Jmail 5
Sent to Seattle

Mr Colton

111691
1874
WE

RECEIVED
JUN 26

Mason City
June 25th 1869.

Sir.

Your communication informing me of my appointment as Minister Resident at Japan with Commission &c enclosed reached me but a day or two since owing to some unaccountable delays on the road.

After fitting & pressing my profound gratitude for the high honor conferred upon me I will state; I accept the appointment and I will be prepared to depart for my post of duty on the 4th day of next September, and if injured and soon notified I could leave on the 4th of next August=

In answer to your letter
inquiring I will state; I was
born in Dutchess County State
of New York. and at the date
of my appointment I was
residing at Treasure City in
White Pine County State of
Nevada.

Please find enclosed the
oath of office duly executed
by me

I remain Sir
Your Obedient Servant
Charles E Dudley

Hon Hamilton Fish
Secretary of State
Washington D.C.

Mr. Chilton

PARTMENT
RECEIVED
OCT
9
1869
F STATE

San Francisco
Oct 1st 1869.

Dear Sir,

Pursuant to instructions I herewith submit to you the enclosed letter of credit with my signature attached.

I sail from this port to my post of duty on the 4th inst on Steamer China

I remain Dear Sir with due respect

Your obt Servt
C. E. Delong

Hon Hamilton Fish
Washington DC

Rec 30. Nov. Mr. Chilton Acknowledge

No 77.

Legation of the United States in Japan
Yokohama October 30. 1869.

Sir,

I arrived here this day.
I have already met Mr Van
Valkenburgh, and now beg to
inform You, that I shall take
charge of this Legation on Monday
the 1st proximo.-

I have the honor to be Sir
Very Respectfully
your most Obedient Servant
C E De Long
Minister Resident in Japan.

The Honorable Hamilton Fish
Secretary of State
Washington

Rec'd 3d Jany. Ans. Whitn

No 79.

Legation of the United States in Japan

Yokohama November 1. 1869

Sir.

I have the honor to transmit herewith No 1. my account for salary from the 21st May last. being thirty days after the date of my Commission to the 31st October 1869 inclusive while in transit to my post of duty. - and to inform You that I have drawn this day on the Department in the prescribed manner for $171.58/. which Dra-

The Honorable Hamilton Fish

Secretary of State

Washington

4

is suffested by the equined evidence

I have the honor to be, Sir

Very respectfully

Your most Obedient Servant

C E DeLong

Minister Resident in Japan.

Recd 3d Jany. Acknowledge & express pleasure

No. 80. Mr. Bingham

Legation of the United States in Japan

Yokohama November 13. 1869.

Sir,

The Mikado, having shortly after my arrival, signified his pleasure to receive Mr Van Valkenburgh and myself at One o' clock in the afternoon of the 11th instant, I accordingly proceeded to the Castle in Yedo at the appointed hour with my predecessor, accompanied by Mr Portman, Mr Farrington my private Secretary, Messrs Consuls

The Honorable Hamilton Fish

Secretary of State

Washington.

Scott Stewart.

Scott Stewart and Shepard, Commander
Taylor and two officers of the USS
Ashuelot under his command.

Our cortege was preceded by
a body of about fifty mounted
policemen and one company of
infantry; and the rearguard con-
sisted of another body of fifty
mounted men, under command of
a Colonel in full uniform.

Along the line of march, a
distance of fully three miles, squads
of infantry were drawn up at
short intervals, who presented arms
as we passed.

Arrived at the Castle, we
were ushered into an Audience room,
where we interchanged the customary
courtesies with the Minister for

Foreign

Foreign Affairs.-

After waiting a few moments only, some weird and melancholy strains proceeding from the Mikado's band in an adjoining apartment announced, that His Majesty had ascended the throne and was prepared to receive us. Excited by several high officers we soon found ourselves in the Audience Hall.-

Advancing two Steps, then slightly bending the head in salutation, and twice repeating this established Ceremony, which had been previously rehearsed, we stood in line in front of a platform, in the Centre of which the Mikado was seated on a throne, under a Canopy, from which a bamboo Screen had been

slightly

Slightly lowered, so as to cast a shadow on his features, which were distinguishable with difficulty.

The Mikado was dressed in flowing robes of white and Scarlet Silk, and on his right Stood Sanjo Udaijin, who Spoke on behalf of His Majesty, and who, besides discharging the functions of Prime Minister, appears to be also the Master of the Imperial household.

Mr Van Valkenburgh having delivered his address and received its acknowledgment, I ascended the platform, and addressed the Mikado, after which I placed my letter of credence into His Majesty's own hands. - I transmit Enclosure No 1.

No 1

Copy

Copy of my address and No 2 copy-
-translation of the reply.

The Ceremony thus terminated, we retreated from the throne in the same manner in which we had advanced, and proceeded to the anti room, where a series of introductions took place with various of the highest officers of the Mikado's Court and Government. after which the Cortege reformed, and we left the Castle, returning in precisely the same state and escorted in precisely the same manner as above described.

I am quite prepared to believe, that the ceremonial was exactly like that observed on former occasions of official

presentations

presentation, and that it was highly satisfactory in every respect.

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant

C E DeLong

Minister Resident in Japan.

Sire,

Of all foreign Nations the United States was the first to hold out the hand of friendship to Japan.

The friendship thus created was sincere and disinterested, because it is based on mutual benefit; - and I have come as Minister especially selected by the American President to prove that by my acts -

Since the completion of the Pacific Railroad, Washington has become the nearest Capital of any Treaty Power to that

of

of Your Majesty; and in proportion as our relations become more neighbourly, should they increase in cordiality and intimacy.

This is the wish of the President, and I now beg most respectfully to assure Your Majesty, that while accorded to Your Court, my endeavors, like those of my distinguished predecessor, shall invariably be directed towards promoting the friendly intercourse, so happily subsisting between the United States and Japan on a basis of progress, and with this view, now placing the original Letter of credence into Your Majesty's

~~am~~ hand, I recommend myself
to Your kind consideration.

U.S. Legation in Japan

Enclosure No 1.
with Despatch No 89
dated Yokohama November 13. 1869.

pamphlet The Mikado's reply.

We Sincerely hope that the President of Your Country is in good health and prosperous.-

We greatly appreciate his kind feeling toward us by appointing Your his Minister Resident in a letter Signed by himself -

and we also hope that the friendly relations between the two Countries may increase in cordiality and endure forever.-

Rec'd 3d Jany. '70 Mr. Bancroft

No 81.

Legation of the United States in Japan

Yokohama November 17. 1869

Sir,

After a survey, which in view of my brief residence in this Country, I beg to submit, can hardly be more than preliminary, though carefully and painstakingly made, I find that foreign and especially American interests in this Country are of far greater magnitude than I had reason to expect.

The Despatch of the Legation

The Honorable Hamilton Fish

Secretary of State

Washington.

No 4

N.4 of the 16th January last, furnishes the Department with some interesting Statistics with respect to our trade at this port, - which in fact is larger than therein represented - and though our interests at the other open ports are less, Yet they are sufficiently important to deserve the fostering protection of the United States

The political situation though apparently fraught with no danger to the Treaty Powers, is nevertheless exceedingly delicate - and probably was never during our intercourse with this Country more complicated than at the present moment. To thoroughly master the political matters has been my uninterrupted and anxious Study since my arrival

Leu

here.

While I am thus as yet unable to form a comprehensive view of affairs, a sufficient knowledge has been obtained by me to enable me respectfully to submit the subjects upon which I shall have the honor to address You more fully at as early a day as possible.

The residence of the Legations is at Yedo; but all the Legations are established at this place; - this is temporary of course, and has been the case for a considerable time, and is likely to remain so.

The Archives and other valuable property of the United States, like that of the other Legations, are for Safety Sake Kept at this port

and

and not at Yedo. Yet, as the principal officers of the Government reside in that Capital - and it is desirable to have frequent conferences with them, it becomes necessary to keep two establishments. Feeling convinced of this being unavoidable, I now find myself obliged, like my predecessor and all the Representatives of Treaty Powers, to have two furnished houses - one at Yedo - and one at this port - and I need not say that this is extremely expensive and embarrassing.

Should the Mikado eventually be compelled to yield to the pressure, that appears to be brought to bear upon him to return to Osacca or Kioto, - circumstances may render it

it necessary for me, while acting in
Concert with my Colleagues to take
up a temporary residence at a
point near His Imperial Majesty.

The action of my predecessor on a
similar occasion in the early part
of last Year was approved by the
Department . . and the Mikado has
not yet deemed himself warranted
to declare that Jedo shall be forever
the Capital of the Country, . it still
being designated in all official
documents as Tokei a Tokiofu
(Eastern Kioto). The exact meaning
of the change of name has been
correctly communicated by the Legation
in former despatches.

I more especially refer to
this uncertainty as I shall have

to

to apply to You to define what facilities I may expect to receive from the Naval authorities on this Station, in case I should deem it incumbent upon me in the discharge of my duty to visit officially any open ports in the Country. It does not appear, that our National vessels have been furnished with any specific instructions with regard to this Legation or within its knowledge.

Concerning the proposed construction of a Post office, a jail and a hospital at this port, I shall have the honor soon to furnish the Department with more detailed information - and in the meantime I shall instruct the Consul to cause two suitable lots of ground to be

be reserved from the still unoccupied foreign Concession for the building of a jail and a Post office. - Cost for the first being provided by existing appropriations - and the latter, I have every reason to believe would prove much more than Self sustaining.

From time to time propositions have been reported to the Department with the erection of lighthouses on the Coast of Japan. - In this connection I beg to suggest, that if the Convention of Yedo of June 25, 1866. were approved, it would more effectually enable me to urge forward the completion of this important work with the Japanese Authorities.

In conclusion I have to inform You, that immediately on my

my arrival several claims were
presented to me by Citizens of the
United States against the Japanese
Government. These claims I am
now investigating. Should they be
unquestionable, I trust they will
be of easy settlement. I beg to
assure You that in no case shall
I make any demand upon the
Japanese Government unless expressly
authorized to do so.

I have the honor to be Sir
Very Respectfully
Your most Obedient Servant.
C E D Long
Minister Resident in Japan.

Recd 3d Jany. Mr Clarke

No 82.

Legation of the United States in Japan

Yokohama November 18th 1869

Sir,

I have the honor to acknowledge the receipt of Your Circular despatch of the 4th September last. - and to inform You that Yesterday the customary tribute of respect was paid at this post to the memory of the Honorable John A. Rawlins.

The Honorable
Hamilton Fish
Secretary of State
Washington

Late

late Secretary of War.-

I have the honor to be, Sir.

Very Respectfully

your most Obedient Servant

E. C. De Long

Minister Resident in Japan.

Rec'd 3d Jan'y.

No 83. Legation of the United States in Japan

Yokohama. November 20 1869.

Sir.

I have the honor to acknowledge the receipt of your despatch No 4. of the 28th August last, relating to the bark "Cayalte" at Hakodate.

Our Consul at that port, who happened to be here, addressed me an informal enquiry in writing on the subject, - - and I now transmit, Enclosure No 1.; No 1

The Honorable Hamilton Fish

Secretary of State

Washington.

Copy

copy of my reply, of which, I
trust you will be pleased to
approve. -

I have the honor to be Sir
Very Respectfully
Your most Obedient Servant
E. E. De Long
Minister Resident in Japan.

Legation of the United States in Japan
Yokohama November 20, 1869

Sir,

In reply to your letter of Yesterday, and in compliance with instructions from the Department of State, dated the 26th August last, desiring me to communicate to You the views of the Department in the case of the bark "Cayalte" at Hakodate, I have now to inform You "that it does not "appear by any sufficient evidence "that the "Cayalte" was an American

E. E. Rice Esqr.
U.S. Consul
Hakodate.

vessel

"vessel - and that if the was a vessel
"of the United States, and if her
"owner was a Citizen of the
"United States, it is pretty clear,
"from the evidence, that there is
"good ground to Suppose, that both
"he and his vessel were engaged
"in violating the provisions of
"the Act for prohibiting the Coolie
"trade, passed February 19th 1862.--
and that: "he is not in a
"position to invoke the aid
"of the Government or of any
"of its Agents."

I am, Sir,

Your Obedient Servant

Signed C. E. DeLong.

Minister Resident in Japan

Recd 5th Jany
Mr. Bancroft

No 84.

Legation of the United States in Japan

Yokohama November 26, 1869.

Sir,

On the 1st instant it became known that the Mikado had issued a decree, granting unconditional pardon & absolution to the late Tycoon, the Prince of Aizu and their retainers. - I transmit herewith Enclosure No 1. translation of that decree, the precise date of which is unknown, but supposed to be the 28th Ultimo. No 1.

The Honorable Hamilton Fish
Secretary of State
Washington.

the

the Mikado's birthday:

That the pardon was unsolicited by those most concerned is beyond question; nor is it all certain, that it has been accepted as an act of clemency. Up to this day at all events, the late Tycoon, the Prince of Aidzu or any of their retainers, among whom there are many personages of rank, have not yet tendered their acknowledgment for it.

No motive was assigned for this measure by the Mikado's advisers: and it cannot be ascertained from them; but the popular belief on the subject is too characteristic to allow it to pass unnoticed.

It would appear, that the Prince of Aizu having elicited, that although deprived of his estates, his name and birthright had not been and could not be taken away from him, and in order to be relieved from the confinement, in which he continued to be held, claimed, in virtue of his rank, the privilege to die by his own hand at the time and place of his selection, and with due observance of the Solemn rites customary on such occasions. He therefore proposed to proceed in State to the Niko mountain, the tomb of Jongensama, the Deified founder of the Tycoons dynasty, to invite all Daimios and others, whose claims to relationship

to that great Sovereign have been
duly recognized - and as he could
never admit, that he was guilty of
any crime; to sacrifice his life
in the presence of his Guests for the
sake of his honor.

The Mikado's advisers are
reported to have become quite frightened
at the prospect of the inevitable
consequences, that would result from
such an imposing demonstration
of loyalty to the memory of
the great Legislator of this Country -
according to whose law a Mikado
cannot be more than a Spiritual
Sovereign.

Such a proceeding would
therefore clearly place the Mikado
in the light of an usurper; - we are told

if

if not destroy the legality of all the acts of the present Govern. ment; and it might also be expected to bring together a great many Daimios, whom it is deemed advisable to prevent from uniting, except on the Sole but Seemingly impossible basis of Sincere Submission to the Mikado.

For the above conclusive reasons Aidzu's application could not be entertained, - and the Mikado's Advisers had no alternative therefore but to grant his pardon or abolution, and also that of his friend and Kinsman the late Tycoon, - the lineal descendant and chief representative of Gongensama's house or dynasty.

On

On the 4th instant, thus
about three days after the promulgation
of the Mikado's decree above
referred to, the Prince of Satsuma,
whose forces were chiefly instrumental
in establishing the present government,
and which he has lately rather
ostentatiously shown himself to
be dissatisfied, suddenly landed
at Yedo with eight hundred picked
men. His number has since
increased by fresh arrivals, and his
troops now at the Capital are
variously estimated at between
four and seven thousand men; the
latter figure being probably much
exaggerated; but the prestige
of the Satsuma troops with the
people is immense, partly owing

to their admirable discipline, and also because there is no regular force now in the Capital that could be opposed to them.

Troops of Choshu and Tosa are also expected in Yedo. - For what purpose those forces are now assembling, and whether as friends or foes, remains unknown. - There is probably more reliance to be placed on popular impressions than on official statements, and from the impression it would appear, that before long there will be another outbreak somewhere in this Country. This popular belief is moreover unfortunately strengthened by the known fact, that within the last few days

several

Several thousand stands of arms have again been sold at the Southern ports. At Yokohama there has been an active enquiry for rifles, and this, in view of the immense Quantity of arms of all descriptions sold during the last two years, would seem to show, that the general expectation of early military operations on a larger scale than any hitherto known in Japan, is not entirely without foundation.

The Mikado's Government at Yedo is however relieved apparently from its most pressing embarrassment by the favorable reports of the weather during the late harvesting of the rice crop - and that staple has consequently slightly declined in

price

price.. Here is every reason to hope therefor, that aided by a continued importation of food from abroad, tranquillity will remain undisturbed in Jedo during the coming winter.

The Mikado's lady, after many unsuccessful attempts against the demonstrations of the people of Kioto, who opposed her departure, was at last reported on her way to join His Majesty in Jedo.. It is rumored, that when leaving that City. she was obliged to enter into a solemn promise to return to Kioto accompanied by the Mikado in February next.

According to official announcement the lady with her suite and escort

Stoffel.

Stopped last night at Kanagawa; and this morning his Imperial presence was duly celebrated by a Salute of twenty one guns from the fort and all the men of war in port.

The Congress which appears to have informally adjourned about three months ago is expected soon to reassemble at Yedo, but not the slightest importance is attached to its deliberations.

There are many rumors in circulation as usual, all more or less connected at present with the presence of the Prince of Satsuma, and the continued absence of the late Tycoon, but there is much vagueness in all the rumors, except in one respect: they all

seem

seems to point to a renewal of hostilities between a number of Daimios who have various claims and pretensions to satisfy.

According to the last reports received quiet prevails at Hiogo and Nagasaki. also at Hakodate and Neegata. - The gunboat Arhuelos" and Steamship "Idaho" are at the port.

I have the honor to be Sir.

Very Respectfully

Your most Obedient Servant

C C DeLong

Minister Resident in Japan.

Yokohama November 26/1869

C E Delong

Minister Resident.

No 84

1 Enclosure

Received

Political.

Rebellion is a grave offence against the laws and it arose in the struggle against the right, and because bad Government and ignorance prevails in this Country. - Being fully convinced of this, the Emperor showed his great leniency. - The accompanying decree is now issued by his order.

Hereafter You will distinguish between right and wrong - between loyalty and rebellion - and in grateful remembrance of His Majesty's Clemency examine Your heart constantly and reform Your conduct.

Signed / Daijokwan.

(

Sipmuff Daijokwan: Government's
9th month. (from the 4th October
(to the 3rd November) inclusive)

Decree.

When a Sovereign is
beloved by his subjects for his
virtue, the laws will be mild
and of unfrequent application.
Rebellion is unnatural and
is caused by want of faith in
the Sovereign's virtue.
Peace and tranquillity having
now been established throughout
the Empire. We grant the
pardon of Keiki (the last Tycoon)
of Aidzu and all the followers
and trust that they will reform
their

their lives at once.

Let this our Dommey be
made known in all parts of
the Empire.

Enclosure No 1
with despatch No 84.
dated Stockholm November 26 1869.

N°85. Legation of the United States in Japan

Yokohama. December 13. 1869.

DEPARTMENT
RECEIVED
FEB
1
1870
OF STATE

Sir.

The first occasion was the date fixed on which an Agreement signed by my predecessor and his Colleagues with the Mikado's Government on the 1st June last, relative to a readjustment of the duty on Silk and Tea was to take effect.

This original agreement was transmitted to the Department with Despatch N° 42 of the 10th June of this Series. - You will have perceived that it is connected with a

The Honorable Hamilton Fish
Secretary of State
Washington.

Commencing

recommendation to extend the payment of the balance of the Simonoseki indemnity to the 15th May 1872.

The 1st January being near at hand, and no instructions or acknowledgment of despatch № 42 above referred to having reached me, it was agreed, that the Foreign Representatives interested should each give verbal notice to the Japanese Ministers for Foreign Affairs, that it had been deemed desirable to provisionally postpone the execution of the Agreement of June, until the 1st February next, then for the space of one month, in the hope, that in the meantime the expected instructions may be received.

I have the honor to be Sir

Very Respectfully.

Your most Obedient Servant

E. D. Long

Minister Resident in Japan.

Tobobanna Dec 13 1869

C E Dobson
Minister Resident

No 85.

Received

Respecting Depredations
committed in connection with
extension of Import of Salaam
& Simonseki indemnity

No 86. Mr. Chilton

Legation of the United States in Japan

Yokohama December 14 1869

DEPARTMENT RECEIVED FEB 1 1870 OF STATE

41 Cong 2 Sess. 1870
Senate Ex. Doc. — 52

Sir,

I have the honor to inform you that I received a letter from the Japanese Ministers for Foreign affairs, in which they propose with the view to obviate constantly occurring difficulties at the open ports hereafter to permit the export of Japanese coal in steamers duty free, but that the fixed duty, according to the tariff appended to the Convention of Jedo

The Honorable Hamilton Fish
Secretary of State
Washington.

7

of June 25. 1866. shall be levied on that article, irrespective of quantity, when taken onboard of said vessels.

The Ministers further suggest. it appeared, that it will be unnecessary to enter into a formal amendment of the said Tariff in this respect, but that a Notice given to the Local Authorities, both foreign and Japanese shall be deemed sufficient.

This arrangement having been unanimously accepted by the Foreign Representatives, the Japanese Ministers were notified accordingly.

Our Consuls at the open ports have been duly informed of this arrangement, of which I trust, you will be pleased to approve.

I have &c. &c. &c.

Very Respectfully

Your most Obedient Servant

E. E. De Long

Minister Resident in Japan.

C. De Long.
Ministre Resident

No 86

Received.

Coal when exported in
steamers the duty per

15

No. 87

Advance Mr. Clifton

Legation of the United States in Japan

Yokohama December 21, 1869

DEPARTMENT OF STATE RECEIVED FEB 1 1870

41 Cong. 2 Sess. 1870
Senate Ex. Doc. — 52

Sir,

I have the honor to transmit herewith Enclosure No. 1. translation of a letter from the Japanese Minister for Foreign Affairs, announcing their intention to put a Stop to illicit trading at non opened ports by foreigners - and Enclosure No 2 copy of my reply.

No 1

No 2

Similar letters were addressed to the Department for Foreign Affairs by the Representatives of the other

The Honorable Hamilton Fish

Secretary of State

Washington.

Seal

Treaty Powers. and I also transmit

No 3 Enclosure No 3 Copy of a Notification

issued by me this day.

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant

E E De Long

Minister Resident in Japan.

To His Excellency

C E DeLong

Minister Resident of the United States

in Japan.

We beg to inform You that the Government has decided to put a stop to trading of foreigners at non-opened ports. Hereafter we intend to prosecute foreigners that trespassing Laws their respective Authorities, and we now request You to order Your Consuls to duly punish that of Your Countrymen who may have violated or infringed Treaty in this respect.

With respect

the 7th day of the 11th month (10th December 1869)

Signed Sawa Jūsanmi Kiyowara Nobuyoshi

Terashima Jushii Fujiwara Munenori.

N°

Legation of the United States in Japan

Yokohama November 30. 1869.

To

His Excellency

Sawa Jisanmi Kiyowara Hoku Joki. &

Terashima Jushii Fujiwara Munenori.

Minister for Foreign affairs

&c. &c. &c.

I have the honor to acknowledge the receipt of your Excellencies letter of the 26th instant, informing me of the decision taken by the Government of His Majesty the Tenno to put a stop to illicit trading by foreign vessels at non-opened ports. and to prevent foreigners and their vessels judicially for all violations of the Treaty in the export

I shall not fail to warmly
Countrymen of the above resolution
of the Government of Hiki & Tenno
and the latter may feel assured that
the US Counls in Japan, will faithfully
give effect, as far as it depends
upon them to do so, to the conditions
of the American Treaty, bearing upon
this question, which provides that if
any American vessel shall smuggle
goods in any of the non-open ports
in Japan: all such goods shall be
forfeited to the Japanese Government
and the Ship shall pay a fine of
one thousand dollars for each offence.

At the same time I must
point out to Jim Excellencies that it
rests with the Japanese Government on
the other hand & not to the executive

as

on your part of the above stipulations without allowing exceptions to be made in favor either of any Nationality or of any individual, as such exceptions might be pleaded in defense of any breach of the aforesaid stipulations and might influence the decision of the Consular Court before which such cases have to be tried.

It is also clear to me, that illicit trading of the nature Complained of by Your Excellencies Can only take place with the Connivance of Japanese officers or people, and I request therefore, that Your Excellencies will be pleased to inform me, what measures are being taken by the Japanese Government to prevent Japanese subjects from inviting foreigners to trade with them at non-opened ports.

With respect and esteem

Signed C. E. Delong.

Minister Resident of the United States in Japan.

Enclosure No 2
with dispatch No 87
from Colombo dated 21. 1869

Notification

United States Legation in Japan
Yokohama December 21. 1869.

The Undersigned in Common with the Representatives of the other Treaty Powers has been requested by the Japanese Ministers for Foreign Affairs to make known to his Countrymen the determination of the Japanese Government to enforce the provisions of the Treaties in respect to the trading of foreign vessels at non opened ports in Japan

The Undersigned accordingly hereby warns American Citizens of the penalties they incur by

the

the Commission of any head of
the aforesaid Regulations.

Signed C E DeLong
Minister Resident of the United States
in Japan

DEPARTMENT
RECEIVED
FEB
1
1870
OF STATE

41 Cong. 2 Sess. 1870
Senate Ex. Doc. - 52

agree to two of Navy regiment to return when relieved. communicate to Comm. on Foreign Affairs

Mr. Charlton

No 88

Legation of the United States in Japan

Yokohama December 27th 1869.

Sir.

With reference to my dispatch, No 81, of the 17th ultimo, I now beg leave to submit a statement of the affairs of this Legation, and in general, bearing upon our relations in Japan.

As Minister Resident here, I am entrusted by the Representatives of England, France, Italy and Holland. This situation, besides being inconsistent with the dignity of the United States, is positively injurious in the precedence that this situation accords to the Representatives of other Powers named, in the transaction of the business of the various Legations, and by causing inconvenient delays in various ways.

The Staff of the Legation is precisely now, as at first, when established, whilst its business has kept pace with the progress of Foreign trade in this Empire, and of course has increased. A Schedule of which was enclosed to you in dispatch No 4 of the 16th of January last, the Department was informed

The Honorable Hamilton Fish

Secretary of State

Washington

informed

that the amount paid into the Treasury for duties on tea from Yokohama, alone, exceeded two and a half millions of dollars in gold coin, whilst all of the Expenditures of the United States, for Ministerial and Consular purposes, in this Empire, exclusive of fees, was less than one per cent of the amount of duties received from the trade with Japan. In addition to which, I beg to suggest to your Excellency, that in the Simonoseky indemnity matter (an affair which cost the United States almost nothing) it has received in Mexican dollars the sum of three Hundred and Seventy Five Thousand dollars, and has now, in the same matter a similar sum due to it from this Empire. With this, should also be considered the Establishment of a considerable Commerce, caused by the Pacific Mail S S Co's line of Steamers, and the gradual development of a very considerable Coasting trade here, and various other branches of business, in which Americans are engaged of which no return can be found at the Custom Houses, and appear to have never been properly represented to the Department in Consular reports.

With this great increase of Commerce, and the increased number of foreign residents here, a proportionate increase in the cost of living here has

has

been caused, which has again been enhanced by the great depreciation of the Japanese currency, in which expenses have to be paid. Already, in dispatch No 62, of the 25th of December 1866, the attention of the Department was invited to the subject, and it was then stated that a Mexican dollar, in Japan, had no greater purchasing power than a dollar in currency, at home. This statement, from actual experience, I am enabled fully to indorse, consequently, after paying the tax on my salary, of five per cent, a further reduction for Mexican dollars, according to Mint-valuation, is required, as no gold coin is current here; and no allowance is made in this respect to Civil Officers, such as is granted to our Naval Officers; who receive their pay dollar for dollar in the local currency.

Here, the Mexican dollar is converted into Japanese Boos, a thoroughly debased coin, at a discount, and as these coins are regarded with much distrust-suspicion, and being of an uncertain and fluctuating value, charges are invariably made with a view to guard against loss on the account, and must be submitted to.

Upon my arrival here I succeeded after very much difficulty in procuring two rooms for myself and family, in a Hotel, the charges for which, including board

board-

and lights was usually Eight Mexican dollars per week; and for the same accommodations, with the addition of one dining room for my Secretary, and a bed room, to be used as an office, the rate charged was seven hundred dollars per month, a sum considerably exceeding the amount of my entire salary. I could not rent a suitable dwelling house for my family for less than two hundred dollars per month, and as I found it imperatively necessary to have a family residence then, as none was procurable in Yedo, as it was unsafe and most unpleasant for a family to reside there, and as all of the other Foreign Representatives had their residences here, I was obliged to, and did, buy the residence built then by my predecessor, and then occupied by him.

This, including my passage money from San Francisco, I now find that I have already expended over eleven thousand dollars (Mexican) a sum almost equalling my salary for two years; and I beg to assure you that this is an actual, and a necessary Each Expenditure, without any extravagance.

Like the other Representatives, I have a Legation Building at Yedo. The only public purpose I found in it was one small, unpainted desk, one chair, and a small much worn flag. This

The

then was the private property of my predecessors,
and was sold by them. To maintain this
Legation residence of course will entail a con-
siderable outlay, to make it habitable, in the
first instance, and additional outlays to keep it in
order; and expenses for conveyance between Yedo
and Hiogo has constantly to be provided by me.
These expenses I beg to assure you are unavoidable.

My colleagues all reside at Yokohama, where
our Conferences are held, and our mails are constantly
arriving; but the Department for Foreign Affairs is
at Yedo, and it is necessary to visit them frequently
with the Japanese Ministers. The distance between
the two places is over twenty miles, and owing to
the general condition of the road, it is seldom possible
to return on the same day.

This Legation building is situated at a
distance of fully four miles from the office of
Foreign Affairs, and it is in every respect desirable to
have another Legation Residence nearer that office,
and abandon the former, particularly as I can never
expect a return visit from one of the Japanese Ministers,
who, instead of coming in person to visit upon me, or
transact business with me, sends some subordinate,
or a messenger. Besides this, situated as I am

I am

seen without any Legation guard, or escort; I am constantly subjected to some danger, and very great inconvenience, by having frequently to travel such a great distance through the over crowded, unpaved streets of Yedo, without sidewalks, and having no horse.

The Legation Building is of one story, made of paper and floored with mats; its partitions are all simply sliding paper doors; the roof projecting so much as to almost entirely exclude the light. It adjoins a large Temple where crowds of natives, suffering with all manner of diseases, congregate daily for worship, and lay about soliciting alms. It stands in a low, damp spot, is indefensible and unhealthy; no view is obtainable from it and my flag is not to be seen any distance. As time is necessary when against fire, all of the archives of the Legation are kept here, and have been ever since the fire that occurred in Yedo in 1863. During last year several engagements were fought in the streets of Yedo, in which artillery was used, and there is no guarantee that this will not at any time occur again. In despatch No 72 of this series, the Department was informed that the British Minister had narrowly escaped being cut down by a two sworded man

man

in the street in Yedo, in daylight. Such makes travellers in Yedo an still more readily liable, and perhaps more particularly by those whose rank and position are known. Originally, and in order to arrest the anti-foreign feeling which the government was unwilling or unable to repress, this Legation building was selected, because, being usually occupied by travellers who desired retirement, a foreign representative was made to appear in this light of a sojourner, and gave the Japanese Government-in communications with this people, the technical right to deny that any foreigners resided in Yedo.

At first, it was surrounded by a double, and in some places a triple bamboo or stockade, of great strength, and from former times, as many as eight hundred men armed with muskets and artillery, detailed for its protection.

What such difficulties do not exist now, as did then, and it is evident from the recent attack on the British Minister, that a real danger is not past; but that any foreigner, residing anywhere in Yedo, is at all times liable to assault from any of the swarms of native soldiery quartered there.

This Legation building is isolated. And

And

now without any blockade enclosure; the one
American too far from the Castle, and in another, too
far from the Foreign Office; and in view of the
loss of time necessarily incurred in travelling to
and fro, it is highly inconvenient for the prompt
transaction of the rapidly increasing business of
the Legation.

In view of these facts, I have addressed a
note to the Japanese Ministers proposing to
Exchange the building for one more conveniently
situated, and in reply they offer eligible sites
near the foreign concession, and the water front.

Immediately after the departure of
this mail, I will examine the sites offered,
select one, and make the best possible arrange-
ments for a temporary residence there, at least.

I entertain no doubts, but what
Yedo must forever remain the Japanese Capital.
It is in the centre of the Empire, and of the great
Tea and Silk districts, and the seat of Japanese
Civilization. A single glance at Yedo is con-
vincing in this respect; its Castle than which
nothing is more Imperial; the enormous extent
of the great City; its vast population; its situation
at the head of the magnificent bay named after

after

it; all goes to show that such a City can nowhere else be founded in this Country, and can never be transplanted; And I do not hesitate, therefore, in view of the foregoing facts, to intimate that a permanent, imposing Legation building, should be erected there. Our interests require that we should be independent of the Japanese Government in this respect. A portion of the interest accruing to the Department from the Simonoseki indemnity fund (which fund was resulted about four years ago) would cover such an outlay; and in your superior wisdom I hope it will appear proper to defray such expenditure from that, or some other source.

In this connection I beg to state, as far as known, the condition of the English and French Legations here, and the allowances made therefor; that it may plainly appear to you how unfairly I am situated to compete with them in the laudable strife of advancing my country's interest to the front, in Japanese trade and commerce.

The British Minister (in addition to having his residence free and at once paid for by his Government) has a salary of four thousand pounds; and all expenses of official Entertainment provided.

The French Legation has about the same

Same

allowances. To each Legation three Secretaries are attached, besides Assistant Interpreters and Clerks or attaches; all in the regular diplomatic service also, Japanese linguists, without whose aid no perfect translations can be made.

All of these officials are handsomely provided with residence accommodations at Yedo, and here. Both Legations have mounted guards of their own countrymen, besides strong detachments of infantry and artillery stationed at the Port. The English force is commanded by a Colonel, with a regimental Staff; and, in order more completely to secure their independence, and consequently their usefulness, one or more serviceable men of war are always suspended, and under instructions to be at the service of the Legations, that the Minister may at once, and with a power that means are, and commands respect, visit any of the other open ports, where occasionally, Consuls and supporting Guns in order to permit misunderstandings with, or abuses from, subordinate native officials.

All of the travelling Expenses of such diplomatic officers, on duty, are provided by their Governments.

Governments

The Sloop of war Oneida, being under orders to sail from Yokohama on the 15th inst of January next, on the way home; and the Ashuelot and Monocacy having already sailed from Yokohama for Hong Kong, with the understanding that they have already been ordered home, or are to be ordered, leaves the United States Squadron in the Japanese seas consisting of the Steam Sloop Idaho, lying in this port, having been recently broken up in a Typhoon, and being now a Condemned vessel, totally unfit for sea; with her crew and some marines. So much protection American citizens in Japan, and American Commerce in Japanese seas, stands committed; whilst on shore my paper house Legation, with no lock or bolt to it, and no means of applying them, is left without one gendarme, native or otherwise; and I am left to dispatch my official business in Yedo, relying solely on my revolver for protection, or upon such mounted native policemen as the native authorities see proper, at times, to allow to escort me.

Natural enough, Japanese officials seem to care for foreigners pretty much as they are cared for by their own

own

Governments, and consequently this one, it is easy of determination how my influence at this Court must compare with that of the French and English Representatives.

I wish most earnestly to solicit attention to this subject, for in it, with proper attention, lies the power to greatly augment and strengthen American influence and interests with this people, and this too, without any considerable increase of the Expenses of our Government; for it certainly would cost but little, if any more, for vessels of war of the United States to remain here, than elsewhere; whilst a small mounted guard of twenty five or thirty men could be as cheaply sustained here as elsewhere; and such addition to my present surroundings would be of incalculable benefit in enabling me with dispatch and safety to transact my business here, besides being an element of legitimate influence in dealing with this people, just waking from the barbarism of ages; who still detest the foreigner in their hearts, and only listen when they fear. — I recommend most respectfully, therefore, the establishment of a mounted guard for this Legation; the menace of the squadron here, with at least one vessel, to be placed at my

my

service, while the ships, when not more usefully engaged, might be employed in surveying the coast of these Islands, as little known, as dangerous, and yet, as frequented by American Commerce.

It is proper in this connection for me also to remark, that the popular impression at Yedo, and all of the open ports, now is, that civil war will again soon break out here; and this impression is supported by intimations, freely conveyed by officers of different Powers, and from the fact that recent purchases of arms & ammunition made at Hiogo, of foreigners, of rifles, breech and percussion ammunition, to a large extent; and that powder in the Islands is almost unobtainable.

In support of my suggestion about increasing our naval force in these waters, I will state from information received by me from unquestioned sources, that about four months ago the Captain of a Japanese armed steamer was compelled to knock the Lieutenant of his own ship down upon the quarter deck, of his own vessel, to prevent his ordering a foreign steamer to be fired on, that was passing this Japanese vessel, in the inland seas; and that these facts were elicited upon an examination into this affair held at Yedo

Yedo

by her own, a Japanese Prince.

Supposing that one of our Mail Steamers, generally carrying many passengers and much valuable freight, should meet, at Sea, some of these numerous armed Steamers of the various Daimios of this Empire, and should be assailed as this one nearly was, what would, or could I do, as I am situated?. I beg to submit that the known fact of our being in readiness to at once redress such a wrong, is the best possible safeguard against its perpetration.

In this connection, I beg leave also to mention the case of the American Steamer Peiho (reported in dispatches Nos. 56. 65 and 69 of this series) in which case Japanese Naval officers, claiming to act in the name of the Mikado, boarded that Steamer, hauled down the American Flag, and hoisted the Japanese Colors instead, and the Steamer was not released until October last; when the Japanese Government, becoming convinced that this matter would be placed in the American Admirals hands for settlement, at once ordered her; all remonstrances and warnings of them than this, although made

made

in the Conduct possible manner, having pro-
-duced no effect at all. The Japanese having
them just received the Stonewall, and fought her with
much success at Hakodate, perhaps entertained
the conceit that they were strong enough to defy our
Government; and such conceit, if then entertained,
it is scarcely supposable is lessened much now
when their navy has been rapidly increased
into quite a large and serviceable one, whilst
our own is in fact unrepresented here with
anything that could for a moment live
in a conflict with such a vessel as the Stone-
wall, or such a one as it is reported the
Japanese have recently purchased, and are now
daily expecting from England, which
vessel, armor has it, is an iron clad still more
powerful than the Stonewall.

These facts appear to have secured the
attention of the English and French Governments,
and they have deemed it to be to their interests
to keep a naval force here, strong enough, to
preserve any ill advised attempt at hostility
on the part of Japanese. The English Flag
Ship here, is the Magnificent iron clad "Ocean,"
soon to be relieved by a still more powerful iron or

on

the way; this, with the Pearl, Zebra and Havoc, in this port, four vessels of war in every of the open ports in Japan, as also has the French Government, gives to the commerce, and citizens of these powers, the assured protection, and to their Representatives a power and influence at Court that is in vain sought for by Representation simplicity, especially when thus unarmed. I do not fear any act of hostility or aggression from the Japanese Government; it is only to be feared from some leaders Daimio or his subordinates.

At my official residence, at this port, I formed a flag staff less than thirty feet in height, and on it hoist a flag.

By established customs, then, the flag denotes the Minister's presence; therefore, it is quite essential that my flag, when I am there, shall be displayed, or otherwise, my despatches are forwarded to me at Yedo, and also persons wishing to see me present them. On this staff, my flag continues to be hoist in a small portion of the settlement, and not at all, by our naval officers on

on

boat ~~are~~ vessels in port. I have consequently
taken steps to have a new staff ~~on~~ Standard
flut high erected and some flags made. For
this, I shall when completed, draw upon
the Department, trusting that through a recog-
nition of the necessity my action will be approved.

To re-iterate remarks, I beg leave
in support of my views as to the necessity of having
a suitable legation building erected and furnished
at Yedo by the Government at once; a grant proceeded
from the pay of myself, as well as my clerks increase.
I beg to submit the following additional considerations.

No Power can be found in Yedo, for the reason
that none exist there, but Japan Powers, such as I have
described, except the French and English Legation
buildings built by themselves, and of course, must remain
there, it should be remembered that the Empire,
through the immense revolutions in travel caused by
the completion of the Pacific Rail Road, and the
establishment of the Japan and China line of Pacific
mail S S Co's steamships, instead of being the least
known, and least visited, of all countries, will become
a great resting place immediately upon the highway
of nations around the world, and has already an

are

coming in upon us the advance guard of the travellers
men of letters, science and business; and then trying the
land and people of the ensuing interval, little known
of, or written about, with a great and hopeful interest
before them, whenever their savage ideas and notions
shall become ameliorated by the light of civilization
and the labors of Christianity. Such a land as ours,
and men of business, will not willingly depart from
in the twenty four, or forty eight hours, that the
steamer remains here; but naturally enough the
inclination of all is to remain over time for a last
one steamer, or two, to examine this country and learn
of this people; and whilst there, being so very far from
home, and finding such uncomfortable Hotel ac-
commodations as are to be met with here, having
expect, and even to think, they have a right to claim,
some little courtesy and entertainment at the
hands of this Countrys Representative; and a man
holding such a position, with his heart in the right
place, cannot be deaf to such an appeal. This
radical change in affairs as radically changes
the situation of this Legation, by adding most
materially to its expenses. Living in pal-
aces, sleeping on mats &c, will not answer the de-
mands or expectations of our countrymen coming abroad
abroad

for Hope, and expect to see him country represented
in a manner compared with other nations befitting
its greatness and its goodness. That was well
enough when Japan was almost a terra incognita,
will not do when it is placed within twenty five
days sail of San Francisco on the way of our people
in making a tour around the world; and I frankly
submit to your Excellency with most profound respect,
that I feel the indignity of my position daily, when
brought in contact with the Representatives of the
other great powers, and even of our own people
temporizing here; and I would much rather resign
the position, or be recalled from it for plain speaking,
than to occupy it under such circumstances, that
must fail daily to feel and recognize the fact
that I am without influence, or power, at the Court to
which I am accredited; Consequently without
ability to serve my country beneficially, and utterly
unable to extend to my Countrymen, such
common hospitality and courtesy, as is the innate
impulse of every American heart.

I trust that your Excellency will remember
that I am young and inexperienced in the fields
of diplomacy, and I may, in urging my views, have used
too forcible style in this letter; if so, I hope to be pardoned.
pardoned

of Kindly and treated considerately; as I have intended Everything for the best, and have used earnest language because I wish to be heard.

In my dispatch, No 81 of the 17th. ultimo, I informed you that I would instruct our Consul at this Port to select suitable sites on the grounds reserved for public purposes in this Town, for a Post Office and a Jail. I lost no time in doing so, and the Consul now informs me that he hopes soon to succeed in procuring such lots; although for the present, so far as a Post-Office is concerned, I am informed by the Consul, and myself believe, that nothing more is necessary than to give increased assistance to him in carrying it on; He has plenty of room in the Consulate building for it, but needs an appropriation of money to aid him in conducting and managing it, which I cordially recommend.

There are two large lots of land formerly selected by the American Consul here for Hospital purposes, situated on the Bluff, Eminently fine and appropriate selections for Hospital or Legation residence purposes, or either. They have been set-aside by the Japanese for the United States for several

Several

years, but the land tax thereon is unpaid, and is now demanded of me by the Japanese. It is eminently proper, in my opinion, that we should pay the taxes or return the property: and I solicit, and will await instructions, as to what course to pursue. - I will say however that the amount due is not large (how much exactly I do not know) and the lots are beautiful selections on the Bluff, in the midst of the Foreign private residence portion of the City, and would be hard, except at a large price, to replace, if surrendered.

I am originally moved because the need of a Hospital here was much felt; and if that was the case in the past, how much more is it the case now when our mail steamers are monthly carrying each way through here, loads of thousands of Chinese steerage passengers, with respectable numbers of Cabin passengers, and our commercial fleet daily increasing? Should Cholera, Small Pox or any other infectious disease break out on one of these Steamers, it is hard to say what would be done; and only possible to state that the United States Authorities on shore here, would be entirely powerless to extend any aid; as there is no American Hospital here, and no provision has ever been

here

made to meet such an Emergency.

But the necessity for a Hospital is no greater than the one that exists for a jail.

Hitherto, jail accommodations have been kindly provided by the English authorities here and the annual appropriations made by Congress has been used towards defraying the expenses of our prisoners. At one of our Ministerial meetings the other day, the British Minister informed me that it was inconvenient longer to continue this accommodation; owing to an increase of the prisoners. I therefore, I beg leave most respectfully to submit, that the necessity for the establishment of a Hospital and a jail at this Post, even if both be upon the simplest and cheapest scale, as we cannot now do anything with our sick or suffering countrymen, except to procure for them such refuge as a foreign prison, or a foreign Almshouse affords, upon our petitions therefor, to foreign authorities; and it is a fact that we have many cases of American citizens violating the law, and requiring punishment and also very many cases of destitute and distressed countrymen daily

daily

[illegible] dealing to us for shelter in sickness.

In conclusion, I beg to state that although forcibly impressed upon my arrival with our shortcomings, yet, I carefully instructed my first impressions, and took time to ascertain what I have written about, and now, after having carefully and diligently examined into all of the circumstances set forth in this dispatch, relative our engagements here, I feel sure that I have exaggerated nothing. We enjoy a highly profitable trade with Japan, and in return, certain obligations are due from us that we should remember.

I can only hope that you will be pleased approve of my view of the situation, and give effect, by inducing the President and Congress extend to our relations in this country, a more fostering care, and such as will more befit National dignity, and be more consistent with our true interests.

I have the honor to be Sir
Very Respectfully
Your most obedient Servant
C E De Long
Minister Resident in Japan

C. E. Dickey
Minister Resident

No. 88

Received

views of the requirements
of the United States in
Japan.

Admr. Mr. Chilton's

No 89.

Legation of the United States in Japan

Yokohama December 28. 1869.

RTMENT
CEIVED
FEB
1
1870
STATE

Sir,

But little of political interest has transpired during this month, except that the Prince of Satsuma, whose force in Yedo, was not seem to exceed four thousand men, about three weeks ago marched one thousand riflemen into the inclosure of the inner Castle for the protection of the Mikado, where, though unsolicited, this regiment remains stationed under orders from

The Honorable Hamilton Fish

Secretary of State

Washington.

&c

that Daimio.

Other princes are also marching troops into Yedo. where tranquillity continues to prevail, - Yet there is no return of confidence and of trade. a fennal depression is perceptible; there is no improvement in the price of rice, and robberies continue very frequent.

It was hoped that with the establishment of the Mint, which has been bought from the British Colonial Government of Hongkong - and the issue of new Coins, it would be in the power of the Government to inaugurate measures towards the redemption of at least a portion of it debased Currency - and in this manner bring about a healthier state

of things. but a recent fire at Osaca is reported to have destroyed a damaged a part of the imported machinery. which, I am informed, will have to be replaced from Europe; - and it is generally suspected, as paper currency is now freely being circulated among the people. that the anxiety to procure a sound metallic Currency no longer exists. and that the fire of the Mint was not accidental but the act of some Authorized incendiary.

The late Tycoon Commissioned the Daimio Matsudaira Nikawa no Kami in his behalf to tender to the Mikado his thanks for the pardon or absolution received and to express regret that continued ill-health prevented his doing so in person.

The

The Congress is expected soon to reassemble at Yedo, but as the Members are continually being changed at the pleasure of their Masters the Daimios, - and as no power whatever has been delegated to this body, not the slightest importance is attached to its proceedings.

It is generally believed, that during a few weeks, and at all events until the Japanese New Year, Daimios and their principal officers a Representation will be engaged in intriguing with or against each other; and that this will end in some more fighting, which the Mikado will be unable to repress.-

I have the honor to be Sir
very Respectfully
Your most Obedient Servant
O. E. D. Long
Minister Resident in Japan.

Mr. Chilton

No 90.

Legation of the United States in Japan

Yokohama December 31. 1869

TMENT
EIVED
EB
1
870
STATE

Sir

I have the honor to transmit herewith Enclosure No 1. my account for salary from the 1st November last to date and to inform You that I have drawn thereon in the prescribed manner for $62.50/100; which draft is supported by the required vouchers

No 1.

I have the honor to be Sir

Very respectfully

Your most Obedient Servant

E. De Long

Minister Resident in Japan

The Honorable Hamilton Fish

Secretary of State

Washington.

Mr. Chilton

No 91

Legation of the United States in Japan

Yokohama December 31. 1869

TMENT
EIVED
B
70
TATE

Sir,

I have the honor to transmit herewith Enclosure No 1. my account for salary for the quarter ending this day: and to inform you that I have drawn this day on the Department in the prescribed manner for $97 23/100; which draft is supported by the required vouchers.

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant

A. L. Portman.

The Honorable Hamilton Fish

Secretary of State

Washington.

Mr. Bellows

No 92 Legation of the United States in Japan

Yokohama December 31. 1869

TMENT
EIVED
EB
1
870
STATE

Sir,

I have the honor to transmit herewith Enclosure No 1. my account of Contingent Expenses of this Legation for the quarter ending this day; showing balance now in my hands of $203.42/.

I have the honor to be Sir.

Very Respectfully

Your most Obedient Servant

C E De Long

Minister Resident in Japan.

The Honorable Hamilton Fish

Secretary of State

Washington.

DEPARTMENT OF STATE RECEIVED FEB 1 1870

Confidential

No 93.

Legation of the United States in Japan

Yokohama December 31. 1869

Sir.

I have the honor to transmit herewith Enclosure No 1. List of the persons at present employed at the Legation. No.

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant

C E De Long

Minister Resident in Japan.

The Honorable Hamilton Fish

Secretary of State

Washington.

Name.	Rank.	Pay	When appointed from	Remarks.
C. E. DeLong.	Minister Resident	$7500 p annum	Nevada.	-
A. L. Portman	Secretary & Interpreter.	$2500 p annum	New York	-

Legation of the United States in Japan
Yokohama. December 31. 1869.

C. E. DeLong
Minister Resident.

Enclosure No 1.
with dispatch No 93
Dated Stockholm June 30 1869

Mr. Chilton

No. 94

Legation of the United States in Japan

Yokohama December 31. 1869

ARTMENT
ECEIVED
FEB
1
1870
STATE

Sir,

I have the honor to transmit herewith Enclosure No 1. List of the despatches sent to the Department from this Legation during the Year 1869. No. 1.

I have the honor to be Sir.

Very Respectfully

Your most Obedient Servant

C E De Long

Minister Resident in Japan

The Honorable Hamilton Fish

Secretary of State

Washington.

List of dispatches sent by the State Department from the Legation in Japan during the Year 1869.

No 1	dated	January 2.
" 2	"	" 2
" 3	"	" 7.
" 4	"	" 16
" 5	"	" 21
" 6	"	" 22
" 7	"	" 26.
" 8	"	" 27.
" 9	"	" 28
" 10	"	" 30.
" 11	"	2. February.
" 12	"	9 "
" 13	"	10 "
" 14	"	16 "
" 15	"	23 "
" 16	"	26 "

№ 17	Oct.	1	March 2.	
" 18	"		" 2	
" 19	"		" 8	
" 20	"		" 8	
" 21	"		" 9	
" 22	"		" 27	
" 23	"		" 30	
" 24	"		" 30	
" 25	"	1	April	Amount
" 26	"	1	"	
" 27	"	1	"	
" 28	"	14	"	
" 29	"	20	"	
" 30	"	27	"	
" 31	"	28	"	
" 32	"	29	"	
" 33	"	May 5.		
" 34	"	" 10.		
" 35	"	" 13.		

№ 36	Dated	May 20th
" 37	"	" 21.
" 38	"	" 25
" 39	"	" 29
" 40	"	" 29
" 41	"	3 June.
" 42	"	10 "
" 43	"	23 "
" 44	"	28 "
" 45.	"	28 "
" 46	"	July 1. }
" 47.	"	" 1 } account.
" 48	"	" 1 }
" 49	"	" 1.
" 50	"	" 6
" 51	"	" 15.
" 52	"	" 17.
" 53	"	" 17
" 54	"	" 18

N° 55. dated July 20.

" 56 " " 21.

" 57 " " 22

" 58 " " 23.

" 59 " " 28

" 60 " 26th August.

" 61 " 28 "

" 62 " September. 5.

" 63 " " 11

" 64 " " 12 } Oct. 1.

" 65 " " 20 } 1 Oct.

" 66 " " 22 } 1 Oct

} accounts examined & passed.

" 67 " 3 October.

" 68 " 5 "

" 69 " 10 "

" 70 " 10 "

" 71 " 12 "

" 72 " 15 "

" 73 " 22 "

№ 74.	dated	22 Octobr.
" 75	"	24 "
" 76.	"	27 "
" 77	"	30 "
" 78	"	Novembr 13.
" 79	"	" 1.
" 80	"	" 13.
" 81.	"	" 17.
" 82	"	" 18
" 83	"	" 20
" 84	"	" 26
" 85	"	13 Decembr
" 86	"	14 "
" 87.	"	21 "
" 88	"	27 "
" 89.	"	28 "
" 90	"	31 "
" 91.	"	31 "
" 92	"	31 "

№ 93 dated December 31.

" 94 " " 31 -

Rec'd 24. Feby. Mr Clarke Asst.

No 1.

Legation of the United States in Japan

Yokohama January 2. 1870

Sir.

I have the honor to inform you that I have issued passports to Mr John Greer Walsh and Mr Griffin Stedman Williams American Citizens. and that the amount of ten dollars for fees received by me will be passed to the credit of the United States in my next quarterly account.

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant

C E De Long

Minister Resident in Japan

The Honorable Hamilton Fish

Secretary of State

Washington.

Rec'd Feb. Mr Chilton

No 2. Legation of the United States in Japan

Yokohama January 3. 1870

Sir.

I have the honor to transmit herewith printed Notices to Mariners, that a light ship has been moored to the South East of Yokohama Anchorage: and that from Sunset to Sunrise a fixed red light will be shown to be visible ten miles.

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant

Minister Resident in Japan

The Honorable Hamilton Fish

Secretary of State

Washington.

NOTICE TO MARINERS.

NOTICE is hereby given that a Light Ship has been moored to the South East of Yokohama Anchorage, outside the shoal off Treaty Point.

It is moored in Ten fathoms, is painted Red, and has a Red Ball at the foremast head.

From Sunset to Sunrise a fixed Red light will be shewn, at an elevation of 36 feet above the sea, which will be visible ten miles.

Treaty Point bears from the Lightship S. 33° W., Mandarin Bluff S. 53° W., and the mouth of the Creek W. Bearings true.

By order,

R. HENRY BRUNTON,
Engineer to Government of Japan.

Lighthouse Department, Benten,
Yokohama, 21st December, 1869.

Rec'd 24. Feby. Admiral Bl. Chilton

No 3 Legation of the United States in Japan

Yokohama January 3. 1870.

Sir.

A report having reached me, that the Japanese were organizing an expedition with the purpose of dislodging a Russian force, which recently fortified itself on the Southern Coast of Saghalien, I addressed a letter of enquiry to the Ministers for Foreign Affairs, of which I herewith transmit Copy Enclosure No 1.: I also enclose No 1
No 2. translation of their reply received the day, from which You will perceive No 2

The Honorable Hamilton Fish

Secretary of State

Washington

&c

that they disclaim hostile intentions
on the part of the Mikado's Government.

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant

E. E. De Long

Minister Resident in Japan.

Legation of the United States in Japan

Yokohama December 11. 1870.

To

His Excellency

the Minister for Foreign affairs

&c &c &c

I have the honor to request Your Excellencies to furnish me with detailed information in relation to the expedition recently dispatched by the Japanese Government to the North.

According to intelligence received by me from Hakodate, it appears that preparations are now being made for hostile proceedings on Your part against a Russian force, which lately fortified themselves on the Southern Coast of Saghalien

Saghalien (Karafto)

I shall be obliged to Your Excellencies for a communication on the Subject for the information of my Government, whose friendly offices will be promptly tendered, if desired, with a view of promoting peace and good will and the true interests of Japan.

With respect and esteem

I have &c

Chas DeLong

Minister Resident of the United States in Japan.

To His Excellency

C E DeLong

American Minister

We have the honor to acknowledge the receipt of Your letter of the 11th instant and in reply to Say, that we do not intend to make war against a Russian force, but as there are Japanese Ships of war at Hakodate, the mistake arose out of a rumor we dont on connection with Our Ships. It is simply a rumor without foundation whatever.

With regret and consideration (The 9th day of the 11th month of the 2nd Year Meiji (19 December 1869).

Signed/ Sawa Jusaumi Kuyniara Nobuyoshi

Terauma Jushii Fujiwara Munenori

Ministers for Foreign Affairs

No 8 Despatches from Japan 24. July. Mr. Bickford

No 4

Legation of the United States in Japan

Yokohama January 4 1870.

The Ex-King of Tokunaga from Japan appears to have been
[illegible] upon the stock exchange
[illegible] by Treaty and is approved. — What, (any thing,
[illegible] desirable is the propriety of sending him to China
[illegible] he seems to have been sent) where he is likely to be as
[illegible] as in Japan I do —

I have the honor to

transmit herewith Enclosure No 1. copy No 1

of a letter from Our Consul at

Nagasaki, reporting, that under his

decision Elias Tolman had lost the

right of residence in Japan and

been deported accordingly.

I transmit No 2. copy of my No 2

reply approving of his proceedings and

No 3 the required notice to that

The Honorable

Hamilton Fish

Secretary of State,

Washington.

effect

effect to the Consuls at the several
ports in his Country.

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant

C E De Long

Minister Resident in Japan

Nagasaki 3rd day of the 9th month

I beg to inform you that Thos Tolman an American Citizen at this port has now for many years conducted himself unlawfully and troubled our people greatly.

On the 22nd day of last month without having received provocation he beat a Japanese named Jinsabro and wounded him, so that he cannot move, and is in a dangerous condition, as Dr Fisher sent by You, has seen.

The bad behavior of Tolman is such that he may act against Japanese at anytime in future. but the 7th Article of the Treaty clearly says "Americans "who have been convicted of felony or "twice convicted of misdemeanor shall "lose their right of residence in Japan and

the

"the Japanese Authorities may require them
"to leave the Country"

From the above it is evident
that Tolman should be removed. I have
now to call Your attention to the matter
and to request that You will depart
him as soon as possible -

With Compliments

(signed) Nomura Soukichi

Chiji of Nagasaki

To

W. P. Langum Esq

U.S. Consul

Nagasaki.

Consulate of the United States
Nagasaki December 18 1869.

Sir,

I have the honor to inform You that at the request of the Governor of Nagasaki, that the provisions of the Treaty relative to Americans, who have been convicted of felony or twice convicted of misdemeanors," be enforced against Elias Lobman. I sent him out of the Country onboard the U.S.S. Monocacy, which left this port for China on the 16th instant.

He was convicted in the Consular Court on the 29th September last of "assault and battery" on a Japanese boatman.

C. E. Delong Esq.
U.S. Minister Resident

&c.

The trial showed the attack to have been wanton and cruel; the postman being so severely beaten as to be unable to get about for several days. The prisoner was sentenced to sixty days imprisonment.

His case induced the foreman to write to me requesting that he be deported. I enclose enclose copy of the foreman's letter marked Enclosure A.

He said Tolman had been twice before convicted of assault and battery and punished by fines, and once by imprisonment by my predecessor. He is a man of a lawless and desperate character and the Japanese stood in great dread of him.

I have the honor to be Sir

Your most Obt Servant

signed J Willett Mangum

U S Consul

Legation of the United States in Japan
Yokohama December 30. 1869.

Sir.

I have the honor to acknowledge the receipt Yesterday of Your letter of the 18th instant with enclosures - and in reply to Say that I entirely approve of Your decision in the case of Elias Solomon.

Due notice of his having lost the right of permanent residence in Japan under Your decision based upon Article VII of the Treaty, will be given by me to the Consuls of

W. D. Marquam Esq.
US Consul
Hogasaki

&c.

the United States at the open ports in this
Country.

I am Sir

Respectfully

Your Obedient Servant

Signed C E Delong

Minister Resident.

Legation of the United States in Japan
Yokohama December 30. 1869

Sir

I have to inform You that under a decision of our Consul at Hagasaki of which I have approved, Elias Johnson. a Citizen of the United States, has lost the right of permanent residence in Japan.

I am Sir
Your Obedient Servant
Signed/ C. E. DeLong
Minister Resident

J. Scott Stewart Esq.
U.S. Consul
Hiogo and Osacca.

Mutatis mutandis to the Consuls in Japan.

Rec'd 24 Feby. Mr Bluston
Ack'd &c.

No 5. Legations of the United States in Japan

Yokohama January 7. 1870.

Sir

I have the honor to transmit herewith printed Notice to Mariners, that until the completion of the permanent light-house a temporary light, visible at a distance of 15 miles, has been placed on Rock Island, off Simoda Harbor, and at the entrance of Yedo Bay.

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant

C. E. DeLong

Minister Resident.

The Honorable Hamilton Fish

Secretary of State

Washington.

NOTICE TO MARINERS.

NOTICE is hereby given that from this date and until the completion of the permanent Lighthouse,

A TEMPORARY LIGHT

will be exhibited from Sunset to Sunrise on Rock Island (Mikomoto.)

Rock Island lies in 34 deg. 34 min. 20 sec. North latitude, and is 138 deg. 57 min. 10 sec. East of Greenwich.

Simoda Harbour bears from it N. 6 deg. E., distant 6 miles, and Cape Idsu N. 7½ deg. W., distant 5 miles---Bearings true.

The lantern is elevated 80 feet above the sea, the light being visible at a distance of 15 miles.

The light is fixed and illuminates the whole horizon.

THE WOOD FIRE on Cape Idsu will hereafter be DISCONTINUED.

By Order,

R. HENRY BRUNTON,
Engineer to Government of Japan.

Yokohama, 10th November, 1869.

Rec'd 2d. Feby.

answd
W. Chilton

No 1 Legation of the United States in Japan

Yokohama January 10. 1870.

DEPARTMENT
RECEIVED
MAR
3
1870
OF STATE

Sir:

The American Steamer "Hautchu" reported to have been sold to the Prince of Tosa, having been seen flying the American flag at the peak and the Japanese flag at the main, I deemed, both in view of an anticipated renewal of hostilities in Japan, and also of the risk foreign vessels incur in visiting non opened ports, that this was an anomalous situation and likely to lead to mis-

The Honorable Hamilton Fish
Secretary of State
Washington.

understanding

understanding.

I therefore addressed the Minister for Foreign Affairs a letter of enquiry on the subject, copy of which I herewith transmit Enclosure No 1. - and I also transmit Enclosure No 2 translation of their reply.

In conclusion I beg to inform You that the Hawaiian is still under American colors and has not been transferred.

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant

C. E. De Long

Minister Resident in Japan

Legation of the United States in Japan

Yokohama December 23. 1869

To

Their Excellencies

the Ministers for Foreign Affairs

&c &c &c

Rumors have reached me from Nagasaki and Hiogo, that at an early day hostilities are expected to break out between certain Southern Princes.

Though attaching no importance to mere rumors, I feel myself reluctantly obliged to notice them in this case, as I am assured, they are rather confirmed than otherwise by Subordinate Japanese officials - and no Step is put to this by the Superior Authorities at those ports.

My

My object in addressing Your Excellencies is with reference to the Steamer "Hautchus", which, I am informed, the Japanese Government has permitted the Prince of Tosa to purchase; and which is now flying the American flag at the mizzen and the Japanese flag at the main.

Is she now an American or a Japanese Steamer?

Your Excellencies, I trust, will agree with me that this is an anomalous situation, pregnant with misunderstandings, and that it is desirable that the Nationality of that Steamer should be clearly defined and made known.

I have therefore the honor to request Your to inform me how the arrangement of flying two flags originated - and

Your

how You propose to remedy it.?

With respect and esteem

Signed/ C E DeLong

Minister Resident of the United States

in Japan.

Enclosure No 1
with despatch No 6
dated Yokohama January 16 1870.

Toledo the 9th day of the 12th month
of the 2nd Year Meiji (10th January 1870.

Sir.

We have the honor to acknowledge
the receipt of Your letter of the 23rd Ultimo
relative to rumors which reached You
of anticipated hostilities in the Southern
Provinces of our Country - and in reply
beg to state, that we heard nothing of
the kind, and believe, as the rumors
are utterly without foundation, that
the local authorities of the places named
did not deem it worth their while

His Excellency C E Delong
Minister Resident of the United States

6

to Contradict them.

We enquired into the case of the Numbers mentioned in Your letter, and found that the Several Family named by the American Citizen Peter Lee was bought by the English Merchant Party and been shipped for a friend to the Head (Governor) of Kaeli (Tola) and further, that an Japanese flag in Lieu of the Flag named by him Hoisted on Board.

The mistake is probably owing to the Similarity of the English Merchant Party, resembling one another much; and on enquiry from the aforesaid Merchant, we feel confident, that You will be able to ascertain the truth of the Statement in question.

With respect and Consideration

I have &c

Upon J. Leathers Judicis Supremae Curiae Memoriae
Mandatus fuit Curiae offeris.

Enclosure No 2
with Despatch No 6
Dated Yokohama January 10. 1870

Rein 24. Feby. Answered Mr Charlton

No 1. Legation of the United States in Japan

Yokohama January 11. 1870.

Sir.

The recent Sailing of a Japanese expedition to the North; the declared purpose of colonizing Yesso and the strong feeling known to exist against Russia, which was manifested when it became known that a force from that Country had taken possession of the Southern Coast of Saghalien and fortified itself there — on all reasons strengthening the Suspicion, that has been entertained for some time, of an intention

To the Honorable Hamilton Fish

Secretary of State

Washington.

of the Mikado's Government to prepare for proceedings of some sort in the Northern territories during the approaching Spring & Summer, and in the meanwhile create a diversion in favor of the Russian various Provinces, in case a renewed outbreak of hostilities among Daimios should become inevitable.

In order to obtain some information on a subject likely to become interesting at an early day, I addressed a letter to the Minister for Foreign Affairs, copy of which I transmit, Enclosure N° 1, enquiring where they claim to be the Northern boundary of Japan.

N° 1.

I transmit Enclosure N° 2 translation of their reply.

N° 2

To all those who are now employed in the Department for Foreign Affairs

Affairs have not been long in office.
His reply would seem to denote that
the subject has been studied by a careful
examination of the Archives — and
as part of Sakhalien is still alleged
to belong to Japan, that the Country
cannot be expected to quietly acquiesce
in Russian oppression on that Island.
But may attempt to maintain its
claim.

I have the honor to be Sir
Very Respectfully
Your most Obedient Servant
O. E. DeLong
Minister Resident

Legation of the United States in Japan

Yokohama January 11. 1870

C. De Long

Minister Resident

No 7

2 Enclosures

Received

Northern boundary of
Japan - - Saghalien

Legation of the United States in Japan.
Yokohama December 13 1869.

To

Their Excellencies

the Ministers for Foreign Affairs

&c &c &c

Since the United States purchased the territory of Alaska and all its possessions in America from Russia - an increased interest has manifested itself in my country in the valuable fisheries in the North Pacific Ocean, which it is expected will soon be extensively explored.

For the information of my Government and for the guidance of my

my Countrymen. I have to request You
to be pleased to communicate to
me where You claim to be the
Northern boundary of Japan.

With respect and esteem
I remain
Sir
Your obedient Servant
C. E. DeLong.
Minister Resident of the United States in Japan

translation

Yokei the 10th of the 12th month of
the 2nd Year of Meiji (1st January 1870).

Sir

In reply to Your despatch
dated the 13th Ultimo, we beg to
State, that the Boundary between
the Northern part of our Country and
Russia, lies between the Islands of
Etoorp and Urup. The Island of
Urup and other Kurile Islands
further North belong to Russia; and
the this island of Etoorp and other
to the Southward are Japanese.
The frontier line in the Island

His Excellency C. E. Dedong.
US Minister Resident

of

of Karafto (Sakhalien) is not yet
determined - and consequently the
Island remains in joint possession
of both Empires.

With respect and consideration

I have [illegible] Kiyoura Yoh Yoshi
Teraima Jushii Sajimarano Munemori
Minister for Foreign affairs

Recd 24. Feby 1870
Mr. Chillon

No 8 Legation of the United States in Japan

Yokohama January 13. 1870.

Sir,

I have the honor to transmit herewith Enclosure No 1 translation of a letter from the Japanese Ministers for Foreign Affairs requesting me to give notice to American Citizens in Japan, that owing to the prevailing scarcity of food the exportation of rice from Niegata has been prohibited.

The Ministers however desiring to reserve the export of that staple for those whom they shall license

The Honorable Hamilton Fish
Secretary of State
Washington.

&c.

for that purpose I agreed with my
Colleagues who had received similar
letters upon an identical reply, a
copy of which I herewith transmit
Enclosure № 2
№2

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant

C. E. D. Long

Minister Resident

Translation

Tokei 9th day 12th month
2nd year of Meiji (10 January 1870)

We beg to inform You, that the Saibansho of Sumi-kawa in Etchigo has reported, that that Province, which generally produced a surplus of rice, owing to the war of last year and recent unfavorable weather will scarcely produce enough for the sustenance of the people until next autumn.

The correctness of that statement having been ascertained, and in view of preventing starvation among the people, we have found ourselves obliged to order the prohibition of export of rice, after (from Mujata to take effect) two months from this date, except for those who shall have been licensed by the Japanese Government — as

in accordance with the agreement made
in the Japanese 9th month of last Year
between Higashi Kuse Shinjiro and the
Foreign Representatives.

In conclusion we have to request
You to make the foregoing known to
the Citizens of the United States in this
Country.

With respect and consideration

I have the honor to be Your most Obedient Servant

Terashima Munenori.

Minister for Foreign Affairs

Legation of the United States in Japan
Yokohama January 13. 1870.

To

His Excellency

Sawa Jusammi Kiyowara Nobuyoshi,

Teradzuna Jushii Fujiwara Munenori

Minister for Foreign affairs,

&c. &c. &c.

Sir. I have the honor to acknowledge the receipt of Your letter of the 10th instant, relative to the prohibited exportation of rice from Hiogata, as contemplated, and in reply to say, that in so far as in accordance with the agreement made last Year, I do not hesitate to assent to this measure.

I.

I observe however that you claim an exception to this rule in favor of any one who shall have been licensed to this effect by the Japanese Government.

This exception is inadmissible. A rule, in order to be binding, must be general - and if an exceptional privilege of trade be granted by the Japanese Government to any individual or Nationality, other individuals or Nationalities have a lawful right to share in such a trade.

I regret therefore that I cannot comply with your request, and that, in its present form, I am unable to issue the desired Notification to the Citizens of the United States in Japan.

With respect and esteem

Hon. J. C. De Long.

Minister Resident of the United States

in Japan.

Column No 2

Sub Inspect No 8

Date Yokohama January 13. 1870

Rec'd 24. Feby. Mr Clubb.

No 9 Legation of the United States in Japan

Yokohama January 14. 1870.

Sir,

With reference to my despatch No 88 of the 27th Ultimo I now have the honor to transmit herewith No 1. my account for flags and flagstaff at this place - and to inform You, that I have drawn this day on the Department in the prescribed manner for $439.57/; which draft is supported by the required vouchers. No 1

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant

E. De Long

Minister Resident in Japan

The Honorable Hamilton Fish

Secretary of State

Washington.

Hamilton

Rec'd 24. Feby.

No 10 Legation of the United States in Japan

Yokohama January 17 1870.

FOREIGN Relations '70

Sir,

I transmit herewith Enclosure No 1. translation of a letter received from the Japanese Ministers for Foreign Affairs on the 7th instant, in reply to one from this Legation on the 18th ultimo, communicating the result of an investigation into the treatment of Native Christians on the Goto Islands.

On the 10th instant I received another letter from the Japanese Ministers announcing that the Native Christians

The Honorable Hamilton Fish

Secretary of State

Washington

Remaining

remaining at Urakami near Nagasaki
would be placed under Sentence of labor
in Lieu of several Damios and deported
accordingly (Translation herewith Enclosure No 2
No 2 On the same day I received from
Our Consul at Nagasaki (Enclosure No 3)
No 3 Copy of a joint protest of the Consuls
of the Treaty Powers at that Port against
the contemplated banishment & deportation
of Seven hundred of their Native Christians
to parts unknown.

I at once addressed a letter
on this important subject to the Japanese
Minister for Foreign Affairs. Copy of which
No 4. I herewith transmit Enclosure No 4. - urging
a Reconsideration of the measure and
Calling their attention to the disastrous
influence which persecution of Christians
would not fail to exercise on their relations

with

with the United States and other Treaty Powers.

I also transmit Enclosure No 5 & 6 Copies of the Letter addressed to the Japanese Ministers for Foreign Affairs on this subject by the Ministers of France and Great Britain respectively - & Letter dated from Hiogo.

The British Minister having since returned to this port - a Conference was at once held at which it was unanimously determined to address a joint Note by the Government of the Tycoon, asking for an interview with all the Heads of Departments on the Subject at Yedo. I now transmit Enclosure No 7 copy of that joint Note.

I have this day received (translation Enclosure No 8 a Letter from the Japanese

Japanese Ministers in reply to mine of the 11th instant. Stating their reasons for the instructions issued by the Tenno for the deportation of our unfortunate Christian but holding out no promise of amendment of their fate.

It is to be hoped that an interview with all the principal Members of the Government may be had at an early day and in time for transmission of the result of this mail.

I have the honor to be Sir

Very Respectfully

Your most Obedient servant

H. C. DeLong

Minister Resident in Japan.

Tokei the 30th of the 11th month
(1 January 1870).

In reply to the letter received in the 3th month of last year we now beg to inform Your Excellency that we duly enquired into the alleged ill treatment of Christians from the officers in charge of the Goto Islands - and as their statement did not appear to us sufficiently explicit we directed some officers from Nagasaki to visit those Islands and investigate the matter on the Spot.

Altogether there were more than one thousand persons on those Islands who professed Christianity - Out of them three hundred and thirty five were reconverted to their own Country's religion after having been gradually advised and disciplined.

The Honble C E Delong
American Minister.

and

Five hundred ninety three were kept in prison where they continued to receive advice and one hundred and forty of those persons escaped from their prisons.

It having been reported that some of those had formed a conspiracy to rise against Authority - they were caught and tried and those who did not confess were ~~tortured~~ coerced in the usual way in order to extort confession from them. but they have not been stuck with iron rods. nor has fire been put into their mouths as mentioned in your letter. Moreover the prison so called was simply a dwelling house arranged in such a way that the persons kept in it could not go out during the night - During the daytime they were permitted to work on their farms.

Of the case numbers some have died from natural causes but no harm any cruel treatment administered. - These persons receive a much gentler treatment than usually accorded to criminals under the Laws and since Special orders were issued during the last Sixth month relative to Christianity - ill-treatment of Native Christians has been forbidden - and we believe therefore, that the atrocities reported to have been practised, are simply the result of rumors without foundation. - Were rumors however having again been heard, we have sent other officers to those Islands, under instructions to make a still fuller investigation.

In the meantime we address You the foregoing for Your information in reply. -

The 30th day of the 11th month

Signed/ Sawa Iesaumii Kiyowara Nobuyoshi

Terauma Jushii Kiyowara Muneyori

Minister for Foreign affairs

Enclosure No 1.
with despatch No 10
Dated Yokohama January 17. 1870.

Yokei 6th of the 12th month 2nd Year Meije

(7 January 1870)

We have the honor to inform You, that the native Christians in Urakami near Nagasaki were last Year distributed among several Princes under sentence of labor. After enquiry it appeared that several had remained; but owing to the disturbances at the time we were unable then to dispose of them. Tranquillity now having been restored, we intend to deliver those who remained, to the several Princes, to be under their control, and to perform the same labor as their own people;

His Excellency
C. E. Delong
American Minister

our reasons for this measure being, that if these Christians remains undisturbed from the unfriendly feeling of which they are the objects, difficulties will inevitably arise between them and their neighbours, and in this manner it will become troublesome to Govern the Countrypeople.

In conclusion we beg to state, that all rumors, that may be circulated notwithstanding, those people will not be subject to any Severe Labor.

With respect and Consideration

Signed Rawa Kyaswaramu Nohu Gohi

Teraima Lyinvaramu Mumenove.

Ministers for Foreign Affairs.

Nagasaki Sunday January 2. 1870

Sir,

We the Undersigned Consuls of the Treaty Powers resident at Nagasaki have the honor to address You on the Subject of the Native Christians living at Urakami.

It has been reported to us that Seven hundred of these Christians are on the point of being Compelled to embark on board of two Steamers and banished to a distant part of Japan, thereby separating them from their homes and families, and from no other motive

To

Nomura Goi Chikuzi

Governor of Nagasaki.

Your

Jews because they are Christians. We do
not address to You this letter with any
wish to interfere with the jurisdiction
which You possess over Your people
but simply in the name of humanity,
to beg You not to adopt any measures
of persecution towards the people at
Urakami for the sole reason that they
are Christians. For we can assure You,
that such inhuman measures will
be regarded with indignation by the
Civilized World.

With Compliments
signed) all the Consuls.

Legation of the United States in Japan

Yokohama January 10th 1870.

To

Their Excellencies

Sawa Jiusanmi Kiyowara Nobutoshi &

Terashima Jushii Fujiwara Munenori

Ministers for Foreign Affairs

&c. &c. &c.

I have the honor to acknowledge the receipt of Your Excellencies' letter of the 30th of the 11th month - and of the 6th of this Jan 12th month (7th January); - the latter on Yesterday, - both relating to the treatment of Native Christians in Japan.

In this connection I beg to tender Your late intelligence from Hagasaki.

Nagasaki by enclosing Copy of a first letter addressed dated on Sunday the 2nd instant, addressed by the Consuls of the Treaty Powers to the Governor of that port, stating to him that in consequence (namely the 4th instant) H Black's Minister then at Nagasaki requested the Governor to delay for fifteen days the deportation of not less than the Seven hundred of those unfortunate people (referred to in enclosure); - but in reply was informed by the Governor that his orders were peremptory, - and that he had no alternative but to send them in Steamers to distant parts of Japan.

I cannot find terms sufficiently expressive of my profound regret at this occurrence - and can only believe that Jeddo are responsible for

the

the disastrous influences, which this measure, if carried out, will not fail to exercise on the relations between Japan and all the Treaty Powers.

From the introduction of foreign Science and of useful improvements for the benefit of the people, Modern Civilization is now deeply interested in witnessing the efforts of Japan under the Government of His Majesty the Tenno, to take rank among the foremost Powers of the World - and painful will be the impression abroad, and subversive of all feeling of good-will now being created, when it becomes known that Japanese are being punished by deportation or banishment or in any manner whatever for professing, or pretending to profess religious opinions, in no respect unlawful

Seeing

forcing with their duties as Citizens & Subjects.

The absolute freedom in all matters of religious belief has been and is still a leading element of the ever increasing power and prosperity of the United States - and Nations may be said to prosper in proportion as their Governments abstain from interference in matters of Conscience.

There can be no friendship without respect - and if the Government of Japan now forfeits the latter by inconsiderate steps, its relations with other Powers will be considered unsound and untrustworthy. - The punishment & Coërcion of Japanese for religious belief will be deemed to furnish the measure of Japanese Civilization, and will be so regarded by all the Nations in Treaty with Japan. -

The

The loss of respect, I need not point out to Your Excellencies will necessarily involve a loss of confidence. It will turn the friendship that now exists into Suspicion of the ulterior designs of Your Government - and may in the opinion of Foreign Governments suggest the expediency of being prepared to guard against Contingencies in future dealings with Japan.

While thus Submitting in General terms the effect, that any ill considered action of Your Government in this important matter will produce, I may be permitted to express the hope, that the Japanese Government will take it into consideration - and thus enable my Colleagues and myself to officially contradict the

injurious

impression, which the knowledge of
the contemplated treatment of native
Christians, as thus far announced,
will not fail to create.

With respect and esteem
I am Sir
Your Obt Servt
C E DeLong
Minister Resident of the United States
in Japan.

Hiogo January 7. 1870.

His Excellencies
The Foreign Ministers
Sawa Sudammi Kiyowara Nobitsuki
Terashima Junkei Fujiwara Munenori

On arriving at Nagasaki on the 3rd instant, the Undersigned learned with deep concern that the local Government had issued orders for the immediate removal of nearly the whole of the male population of the village of Urakami, amounting to about Seven hundred men for the sole reason that they continue, as they have done for a long time past to make profession of the Christian faith. These orders had been issued in the most

Sudden

sudden and peremptory manner.

The first Notice was given on the evening of the 1st instant, when the men in question were summoned to appear in the Government Office at Nagasaki on the following day, in order to be put onboard two Steamers, then waiting to receive them and to convey them away from their homes and families to the places selected for their exile.

They had committed no offence, but on the contrary had industriously followed their agricultural pursuits, and only twenty days before the issue of the above orders, they had paid in the taxes due on the harvest which they had just husbanded. On hearing that they were to be torn from their homes, many of these poor people fled in dismay to the

adjoining hills, while about one hundred and fifty presented themselves at the Government Office. Thus ten families were suddenly deprived of means of support, and a peaceful village was converted into a Scene of general distress.

Immediately on receiving the painful intelligence the Undersigned sought an interview with the Chikenji of Nagasaki Nomura Soi, who visited him on the afternoon of the 3d instant accompanied by Watanabe Daichi of the Consulate. The Undersigned regretted to find that the Officers confirmed the correctness of the above statement. They were acting, they said, upon orders received from Yedo and Watanabe had been specially sent from the Capital to see to the execution

of

of these orders, which were to the effect that the remainder of the Christians within the jurisdiction of Nagasaki, numbering according to their estimate between one and two thousand souls, were all to be sent into exile.

The Undersigned explained with much earnestness to these officers the assurances which he and the Ministers of the Treaty Powers had received on this subject a year ago from the Government of His Majesty the Tenno, and pointed out that the steps they were now taking were wholly opposed to those assurances. The Tenno's Government had promised the Treaty Representatives in a letter written in January last, that their treatment of the native Christians would be marked by the progressive spirit

of

Spirit of the age. that they were sensible that it would be an offense to all true Christian Nations with whom Japan wished to cultivate friendly relations to persecute Japanese subjects simply because they professed the religion of those Nations, and that the Government of the Tenno had determined to maintain no longer the old severe law against Christianity but would adopt in place of them a mild and lenient course of action.

Although the Undersigned was not called on to discuss with Local Officers a subject which had already been so fully considered with the Japanese Government; he did not fail to point out to them that the persecution of Native Christians would bring great discredit upon their Country, and might gravely prejudice the relations of

Japan

Japan with foreign States, as the latter could scarcely fail to regard such proceedings as unfriendly to themselves.

Nomura Goi and Watanabe stood to consider the remonstrances of the Undersigned, but on visiting him again on the morning of the 4th. they informed him that no other course was open to them but to carry out their orders.

The Undersigned repeated his Conviction that their actions must be founded upon some misconception of the views of the Supreme Government. He therefore urged that further proceedings should be delayed and that Watanabe should accompany the Undersigned to Yedo to confer with the Supreme Government, but unfortunately Nomura Goi and Watanabe declined to entertain this proposal.

It only remains therefore for the Undersigned to forward this protest against the proceedings of these officers & their Excellencies the Japanese Ministers for Foreign Affairs, in order that it may be laid without delay before the Government of His Majesty the Tenno. He expects to return to Yokohama in a few days, and he will then join his Colleagues & Representatives of the other Treaty Powers in such further steps as they and he may think it advisable to adopt. But in the meantime he trusts that the Tenno's Government will at once see the necessity of disavowing and putting a stop to the proceedings of the Nagasaki officers. He abstains from offering Comment upon the dangerous consequences which a revival of the persecution of native Christians is calculated to occasion until he

he is informed whether the Japanese Government are really responsible for so ill-advised a measure. He cannot suppose it possible that after treating this important question with such commendable moderation during the past year, the Government of His Majesty the Tenno should have suddenly entered on a Contrary course, - opposed alike to the assurances they had given to the Foreign Representatives - and to the spirit of enlightenment and of progress which they have declared themselves to be guided. By such a course Japan could not fail to forfeit the good opinion of all Western States, and to throw doubt upon the earnestness of her professed desire to cultivate friendly relations with those States. His Excellencies cannot suppose that the Undersigned are presenting this

remonstrance

remonstrance to the Government of the Tenno seeks for a moment to interfere in the internal affairs of Japan but the unfortunate proceedings of the Nagasaki officers above detailed justify him in pointing out to Her Majesty's Government that they should be prepared, as he trusts, in the case, to obtain from acts by which the feelings of all the Treaty Powers will be outraged, if they really seek to maintain with them the cordial understanding which the Undersigned hoped had been established.

The Undersigned avails &c.

(signed) Harry S Parkes

HB Mr Envoy Extraordinary &

Minister Plenipotentiary.

Yokohama 11 January 1870.

The Minister of Lance
to Their Excellencies the Ministers for
Foreign affairs of the Mikado.

I received the letter in which
Your Excellencies inform me, that the
Government has decided to remove
the Christians of Ura Kami from their
homes for the purpose of distributing
them among various Daimios under
sentence of labor. According to the
statement of Your Excellencies this arbitrary
measure is in final execution of the
one carried out last Year, the motive
being to prevent quarrels between the
Christians and their neighbours interfering

and

the established Authority.

On the other hand I learned from the intelligence received by me from Nagasaki, that in compliance with instructions sent from Yedo since the 1st instant, the local Authorities had already taken steps to depot seven hundred of those unfortunate Christians, and that all efforts to procure a delay had failed.

I intend to join my Colleagues in examining a Situation which to me appears serious in every respect, but as several of them are absent from Yokohama I hasten to earnestly protest against a cruel and unjust measure against innocent people, whose only offence is the profession of a Christian religion.

I shall not enquire to day in how far the quarrels among the people of Urakami

alleged as motive for their deportation are justified by facts, but I am enabled to state that no mention of any such cause is made in his reports by the Vice Consul of France, who on the contrary states, that the Christians have invariably conducted themselves as obedient subjects.

In conclusion I must state, that the course now adopted by the Mikado is in direct opposition with all declarations made both at the beginning of last year by the Ministers for Foreign affairs.

I have &c.

(Signed) Maxime Outrey

Enclosure No 6.
with dispatch No 10:
Dated Johannesburg January 17. 1870

Yokohama January 17. 1870

To

His Excellency

The Minister for Foreign Affairs

&c &c &c

The Undersigned have already addressed to His Excellency separate Communications protesting against the course which the Government of His Majesty the Tenno are adopting towards the Native Christians of Urakami.

Before proceeding to report to their respective Governments the determination conveyed to them in His Excellency's despatch of the 5th instant, which, if unfortunately persisted in will be received, they are convened, by their

respective

respective Governments with deep regret,
the Undersigned think it wise to request
a Conference with the General Government
in order that they may urge on the
earnest attention of the Latter, the views
which are likely to be taken by all
the Treaty Powers of the fresh persecutions
of native Christians in Japan. They
have therefore to propose that His Excellency
the Taikō and such other Members of
the Government as are authorized to
deal with the question should meet
the Undersigned at Yedo at one o'clock
on the 19th instant at such place as
their Excellencies may find it convenient
to indicate. They have also to request
that the Government of His Majesty the Tenno
will in the meantime be so good as
to instruct the Local Authorities at

Nagasaki

Nagasaki by the US Mailsteamer leaving Yokohama on the 20th instant to suspend all proceedings against the Native Christians until the General Government shall have maturely considered the representations which the Undersigned, animated by the most friendly feeling toward Japan conceive it to be their duty to make to the Government of His Majesty on this important subject.

The Undersigned &c. &c.

Signed/ Harry S Parkes

H.B.M.'s Envoy Extraordinary & Minister Plenipotentiary

Maximien Outrey.

Minister Plenipotentiaire de France.

Charles E Dehong.

Minister Resident of United States

Max Brandt.

Chargé d'affaires de la Confédération de l'Allemagne du Nord.

Enclosure No 7.
with Despatch No 10
Date Yokohama January 17. 1870

No. 10. Enclosure

Yokei the 15th of the 12th month Meiji
(16th January 1870)

We have received Your despatch of the 11th January relative to the measures taken by the Authorities of Nagasaki with regard to Native Christians under instructions from our Government.

As You are aware the profession of Christianity has been prohibited in our Country from ancient times, but in consequence of the promise we made last Year, that those Christians should be treated leniently, they have been left undisturbed at their homes, every possible advice to change their Christian belief

His Excellency C. E. DeLong
Minister Resident of the United States

was given them; In return they insulted the deities, Shrines and temples, quarrelled with the other inhabitants and committed various lawless acts.

Should such acts be left unrestrained the local administration would be embarrassed; and Our Government having no other means, sent Our people to various other places to be educated. Orders were therefore issued to Nagasaki to simply remove them and to inflict no punishment whatever. and after mutual consideration it was deemed Your Government that this is the most lenient measure that could be adopted.

The particular circumstances of which we believe, You are not well informed, will be communicated at our next interview. In the meantime we hasten to send the foregoing in

Reply to Your Excellency's

Kind respect and Consideration

Signed Sawa Jusaumi Kiyowara Hoki Yoshi

Tsuchima Jushii Tajimaru no Muneoori

Minister for Foreign affairs.

Enclosure No. 8.
and Despatch No. 20.
Dated Yokohama January 17. 1870

Rec'd 24 Feb. Ack'd by Telegraph. Reply'd to same
Mr. Clifton

No 11. Legations of the United States in Japan

Yokohama January 19. 1870.

Sir

I have the honor to transmit herewith Enclosure No 1; Copy of a letter addressed by me to the Japanese Minister for Foreign affairs, applying for information, relative to the construction of lighthouses on the Coasts, and urging, that a first light should be placed at an early day on Cape King for the convenience of our outward Steamers touching at this port.

I transmit Enclosure No 2. translation

The Honorable Hamilton Fish

Secretary of State

Washington.

of the reply from the Japanese Government.

In this connection I regret to inform You of the total loss of the British barque "Elleray" on the Matsuhato Reef. The vessel had onboard a large quantity of gear for lighthouses on this Coast, such as reflectors, lenses, condensers - two large iron lighthouse towers &c &c. The loss will necessarily and most unfortunately delay the further progress and the erection of lighthouses on the Coast of Japan.

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant

C E De Long

Minister Resident in Japan.

Legation of the United States in Japan

Yokohama December 6. 1870.

To

His Excellency

Sawa Jasanmi Kiyowara no Yoshi /

Juosiina Jushi Fujiwara no Munenori

Minister for Foreign Affairs

&c &c &c

I have the honor to request

Your Excellencies to furnish me with

detailed information in regard to Lighthouses

on the Coasts of this Country.

Your Excellencies are no doubt

aware that the American Shipping interest

is very large already and such is the

increase of trade between the United States

and China that instead of the monthly

Line

lines now in operation. It may be expected that before long large American Mail and passenger Steamers will be running between the two Countries every ten days. Stopping both ways at the port

I am instructed that the Light
referred upon should be placed at
Cape King as soon as possible. My
Government feels a strong interest in
the erection of Lighthouses on Japan
Coasts - and I trust therefore that
You will be pleased to furnish me with
the information desired at Your earliest
Convenience.

With renewed Considerations
I am &c &c &c
Minister Resident of United States
in Japan.

Translation.

Yokei the 17th of the 12th month

In reply to Your letter of the 6th December last, desiring to be furnished with information relative to the building of lighthouses in Japan, we beg to state that on each occasion of a light having been erected, we never failed to address Your predecessor.

The lighthouse to be erected on the coast of Hiradate Known as Cape King in the Province of Awa will be placed at Sirahama Kawa. Sita in the immediate proximity of that Cape. as we learned that the

The Excellency C. E. Dorn
Minister Resident of the United States

will

well best answer the purpose of finding vessels approaching Yokohama from the Pacific Ocean.

We enclose a rough Sketch of the East Shoving the Spot on which the Lighthouse is to be built.

With respectful consideration

I have the honor to be Your Excellency's most obedient humble Servant

Minister for Foreign Affairs.

Rec'd 21. Feby.

No 116 Legation of the United States in Japan

Yokohama January 20. 1870.

Sir,

During the interval between the detention in 1864 of the Steamer Fuji Yama, built in the United States, for and on behalf of the Japanese Government, by Messrs Thurlow Weed and Chas B Lansing, Agents, specially appointed for that purpose by Sr Robert H Pruyn, then Minister Resident in this Country, — and the final and satisfactory settlement of that Ship matter at Washington in 1867. the

The Honorable Hamilton Fish

Secretary of State

Washington.

English

the English and French Ministers in Japan succeeded in introducing scientific and professional men, and also skilled labors from their respective Countries, to the exclusion of those from other Nationalities.-

Under French auspices were established a foundry and machine Shop at this place; and an Arsenal and Navy Yard on a large Scale at Yokoska in this Bay; a Military mission was also dispatched by the French Government to Jeddo for the instruction of the Japanese.-

Naval instructors were provided by England, - and also Engineers and others, who are now in charge of the Light house Department.-

In unofficial intercourse with prominent officers and others, I Patterson succeeded in obtaining from the former

a Tycoons Government agent, for such persons as he might designate, to build and use a Railroad between Yedo and Yokohama.- The Tycoons Government, unfortunately soon afterward withdrawing from the management of public affairs, - and Civil Strife ensuing, the matter laid over, until early in 1869, when it was submitted to the new a Mikado's Government for prompt action.-

The Mikado's Government, while not denying, that all the obligations of the former Government were binding upon them, specially insisted, in a Correspondence on the subject, upon such Railroad, & other public work, being carried out by their own people, and not by foreigners.-

My

My predecessor Mr Van Valkenburgh was acquainted with the facts, but his term of office expiring, it was determined to await my arival; and immediately after I took charge of the Legation, the matter was placed by Mr Portman into my hands for official action, in order that the right, secured by him for Americans, to construct the first Railroad in the East, might be properly protected.

At an interview with the Japanese Ministers for Foreign affairs on the Subject, I declared to be prepared to receive such proposals, as would obviate the difficulty urged by them, if consistent with the principle, that the Railroad shall be constructed by Americans.

In the course of the conference, however it became clear, that the financial difficulties

of this Government, stood at least, as much as the alleged political embarrassment, in the way of a fair and satisfactory settlement of this interesting matter at present; the Ministers stating, that in order to be relieved from the payment of a high rate of interest on various sums of money, due from them to foreigners, the Mikado's Government had borrowed, through Mr Lay, formerly Jenral Superintendent of Customs in China, and who had been introduced to them by the Britannic Majesty's Minister in the Country, a sum of one Million Pound Sterling, which owed enable them to pay off all their debts. The Ministers did not deny, that the plant of a Railroad between Jedo and Kioto a Pacca was to be furnished by the Capitalists, who

loaned

loaned the sums of money named, - and while it is not admitted, it would appear to be sufficiently clear, that the Concession to English subjects, under the patronage of their Ministers Government, is intended to cover or embrace the line between Yedo and Yokohama; - the Mikado's Government, from the delay until my arrival in Japan, having probably conceived, that the Patronage Grant would not be officially supported, and therefore could be superseded with impunity. -

The priority of the Grant is well established. - Should it however be clearly proven, that in view of the altered State of affairs in Japan, under a new and consolidated Government, it may be desirable to

alter

alter the grant, so as to admit of the Railroad, being constructed at an early day in the manner contemplated, I shall consent to such alterations, as amendments under existing circumstances.-

I trust a suitable arrangement with the Japanese Government in this respect will soon be made by me, probably in the course of the next month, a soon after the Japanese New Year.- I do not therefore transmit all the papers at present, but hope to do so at an early day, and on that occasion to be able to announce to you, that the matter has been settled, and to apply for such actions & instructions as you may deem proper.-

The Telegraph between Yedo and

and Yokohama is completed, and the admirable diligence displayed by the young Japanese now learning the art, lead me to expect, that it will soon be in operation.

I have the honor to be, Sir,

Very Respectfully

Your most Obedient Servant.

E. E. De Long

Minister Resident in Japan.

No 13.

Rec'd 24. July

U.S. Legation Yokohama

Japan January 22. 1870.

FOREIGN Relations '70

Sir.

On the 18th instant a reply was received from the Japanese Minister of Foreign Affairs to the joint-note of the Foreign Representatives of the 17th instant - appointing the following day the 19th instant for an interview at Yedo with the highest officers of State on the Christian question

I accordingly proceeded thither in company with my colleagues and I now have the honor to submit herewith Enclosure No 1. Copy of a memorandum of the interesting Conference held on that occasion

From this memorandum (your perusal of which I beg especially to invite) you will perceive that the high officers of the Empire engaged themselves

To Hon. Hamilton Fish
Secretary of State
Washington DC

themselves.

to reconsider this question and that pending the re-consideration the deportation of the native Christians from Nakami should be suspended and that no further persecution of any kind against them would in the meantime be entered into.

The apparent frankness with which this matter had been treated at the conference by these high officers and the apparent desire to conciliate the good will of the civilized world was very encouraging and re-assuring to all of us Foreign Representatives and we returned to Yokohama pleasantly impressed with the idea that through co-operation and energy we had succeeded in this highly delicate and difficult matter in averting some evil and in laying a broad foundation for future successes by continued co-operation and remonstrance.

You may judge then of our surprise and chagrin when on the day before yesterday the Pacific Mail S.S. Co's Steamer New York arrived at this

this

just learning the unwelcome intelligence that the Governor of Nagasakie acting under peremptory orders from the Mikadoes Government had forestalled the consideration of this question by deporting three thousand one hundred and seventy of these unfortunate people; in fact all or nearly all of the native Christians at Urakami

Your Lordship cannot be surprised and most annoying no report of this subsequent action was forwarded to me by this mail by our Consul at Nagasakie but I am enabled through the kindness of my Colleague Mr. de Brandt to send you the report received by him from his Consul at that Port a copy of which he most kindly furnished me and which I herewith transmit marked Enclosure No 2.

I have further learned both from the Minister of France and the German charge d' affaires that some four hundred persons entertained for the

the

Safety of the Christian Missionaries at Nagasaki
And the danger is considered so urgent that the French
Minister has seen proper to immediately send to that port
the French Gun Boat Flamme

From evidence received by me from most special
sources. And deemed reliable I am led to believe
that in the deportation families were seperated with
perfect ruthlessness, the men being sent to different
provinces as convicts to literally fulfill the original
decree of the Mikado against them to wit "That
they should labor in the mines and live in forests"

That the women whether married or single were sent
to houses of public resort - and the children so distributed
as to secure their being strictly educated in the Shinto faith
And the most unpardonable feature of the affair is
that these high officers of the Mikado's Government
must have known that this was already done or
being done when they accepted our proposition
for a conference and whilst at that conference

Conference

they were engaged in allaying our anxieties by promising that further proceedings should be stayed. I must also state that I consider the evasion of the Mikado's high officers at the Conference to inform us as to where these unfortunates were to be sent as deliberate dissimulation upon their parts, and I now do not doubt but that their agreement for holding the Conference at a time when they knew that this deportation was taking place was instead of being as we most fondly hoped for the honest purpose of trying to arrive with us at some understanding for a satisfactory settlement of this matter merely a device to gain time to have these orders fully executed before any assistance to their execution could be offered

It may also be safely assumed that their assertions at the Conference that houses and lands are provided for these exiles is as baseless as their assertions made to us in that Conference

Conference

to the effect that the families of these Christians were not to be seperated

That these people have not been guilty of any other or farther offence against the Government than that of becoming Christians is doubtless true and the statements of the Mikados officers at the conference so oft repeated to the effect that they were not being punished on account of being Christians but solely on account of their seditious and rebellious practices is proven to be unfounded by the admissions made in the conference that three of them who had been formerly deported and who had recanted had been returned and also by the decree of the Mikado himself which is directed against Christians as such in express terms

The difficulties of obtaining authentic information on all of these points when dealing with such authorities and in a country where we have no means of obtaining any information from the interior

when these people are sent will be apparent to you.

Our advantage however as I consider it has arisen from the holding of that conference.

We then obtained from these high officers the distinct and positive avowal that the Mikados Government is based upon the Shinto creed and for its perpetuity depends upon the maintenance of that faith at all hazards. That they foresee in the propagation of Christianity the overthrow of this faith and the consequent fall of the Mikadoes dynasty. which for- confess has no other hold upon the people or the Powers than that engendered by the idolatrous belief in the divinity of his origin.

That they fear the advance of Christianity more than they do the consequences of wounding the sensibilities of the Christian powers. and entrenching themselves behind the legal shield of an

an

abstract right on their parts to manage their own internal affairs without foreign interposition they inlined by such practices as these to maintain this faith and the Government based upon it until forced to abandon them

That remonstrances on the part of the Treaty powers Representatives will cause them to change this policy I do not for a moment believe.

That it was the Liberal Foreign policy of the Tycoons Government that led to the rebellion and his overthrow is a well established fact. That the rebellion against his authority was incited by an appeal to the anti foreign sentiments of the Daimios and others is certain and that the Mikados party succeeded by this appeal in seizing upon this Government is an undoubted fact

Hence we have in this Government one implicitly and expressly pledged to hostility to foreigners and the Christian faith and from such a

a

Government so intended and so committed I can see no hope of effecting aught for important or general good relative to this subject by simple remonstrances.

Thus then the issue stands framed and thus simplified the Christian powers may now know the exact point and disposition of this Government relative to this question

What farther is to be done in the premises by me is a question I now beg leave to submit to your superior judgement for determination

In dealing with this question so far I have carefully governed myself by the instructions given to my predecessor, on this subject and which I was instructed by you to consider as applicable and binding upon myself; but I feel that those instructions now stand exhausted and I most earnestly solicit other and farther instructions upon this matter so full and

and

complete that I may know the full extent to which I may proceed should exigencies of a very grave nature arise which is not improbable as I fear that these authorities will become much emboldened by the success of this movement if they find that for any considerable length of time it is allowed to pass unmet by aught else than remonstrances and vague warnings

I duply regret this occurrence which I am sure will shock the civilized world

I do not urge or recommend further action than already taken but that the struggle will continue between the attempted advances of Christianity and Idolatrous resistance is plainly to be foreseen and what serious results may even follow again none can tell. It is in the light of this apprehension that I ask for full and explicit instructions

In the meantime I shall content myself with following the course which I have already

already

remained in concert with my colleagues although keenly conscious of its perfect inefficiency as proven by the circumstances now related.

For a more full understanding of the bearing of this question upon the political affairs of Japan so far as understood by me I beg leave to refer you to my dispatch No 14 which is a political summary.

I am dear Sir

Your most obedient and respectfully

C C DeLong

Minister Resident in Japan.

Yokohama January 22. 1870

C E DeLong

Minister Resident

No 13

2 Enclosures

Received

Deportation of 3170 native
Christians -- in opposition
to apparently successful re-
monstrances and part of the
Foreign Representatives in Japan.

Enclosure in No. 1 January 22. 1870

Protocol

Proceedings of a Conference held at the Foreign Office January 19th A.D. 1870, on the subject of the Persecution of the Native Christians, by the Japanese Authorities. —— Present, Sir Harry Parkes K.C.B. M. Envoy Extraordinary and Minister Plenipotentiary: ——

Mons. M. Outrey Minister Plenipotentiary of France: ——

Charles E. De Long Minister Resident of the United States: ——

Mr de Brandt Charge de affairs of the North German Confederation:

Messrs von Siebold
" Dickinges } Interpreters
" Kempermann

Sanjo, Prime Minister of Japan

Iwakura, former Prime Minister "

Sanjo
Terashima } Ministers of Foreign Affairs
Eight members of the State Council
Secretaries and Censors.

At one o'clock P.M. the Prime Minister Sanjo opened the conference:

Sanjo: We have received, and replied to the notes of your gentlemen Representatives of the Foreign Powers and now hold this personal interview to explain more fully the reasons that have governed us in proceedings as we have done with regard to the native Christians of Urakawara

Our Government has always borne in mind the promise it made at Osacca* that it would not be severe in its treatment of these people and I now propose to explain how I have fulfilled that promise.

* Sanjo is mistaken. The promise was made at Yokohama

Since last year the Government have had a full opportunity of discovering and understanding the chacaracter of the Japanese people, who profess Christianity, and it has learned that they have become troublesome, and if allowed to proceed unchecked, will subvert all governmental authority: interfere with trade, and seriously affect the relations of this Government with Foreign Nations.

This Government does not remove these people on account of their religious professions, but on account of their having been for a long time ungovernable and insubordinate; and on this account, the Government has determined to change their residence.

The Government heretofore removed some of them, and have treated them

with kindness, and those now being removed are being treated in the same manner, and consequently, we do not think that we have distroyed or violated the promises made by this Government last year, to the Foreign Representatives.

This Government, in allotting to these people new residences, has not been persecuting them: we have sent orders to Nagasaki that until further orders are received, no more are to be removed. This has not been done at the instance of the Foreign Representatives, but on account of our own conclusions, arrived at in our own councils: two officers will leave on tomorrow bearing these orders.

These are the instructions of this Government, and if the Foreign Representatives now have any observations to make, we would be pleased to hear them.

Sir Harry Parkes: I have had every reason for supposing that the decree of banishment of the native Christians of Oku-wara had been reconsidered, and was to remain inoperative; to my great disappointment, I found when at Nagasaki a few days since, that that decree was being carried out, and some seven hundred men were to be banished. My own judgement of this — and I am sure it will be of my Government — is that this was a most cruel proceeding, and the only reason assigned being that these people professed the Christian religion; and that is the religion of my Countrymen.

Such an act, when known in England, will produce a bad effect and be looked upon as a most

unfriendly act. It is my hope and trust that my Country may continue to have and hold the same friendly relations with Japan that it has ever heretofore had, but such acts as this are calculated to disturb these friendly relations; and for my own part, I cannot understand how you make out that there is no departure, on your part, from the previous promises made to the Envoys Representatives.

If a few of these people commit wrongs, punish them; but to visit this punishment on families, and on thousands, is contrary to our view of right. To my sense, this act is not in conformity with the promises made by the Japanese Government to us, and hence, we have sought this interview hoping to arrive at some understanding that will harmonize the acts of this Government with its promises.

Mr Outrays: In my opinion there is a misunderstanding about a word. You said you would act "mildly" toward native Christians. I suppose the greatest punishment you consider that you could inflict is death, and I suppose what you mean by "mild treatment" is, that you will not kill them. This is not our understanding of "mild treatment." In our Country it is regarded that a man taken from his family, and banished, is most cruelly treated.

According to the way we understood those words, we reported that you would treat them mildly, and now, we have to report that they have been deported — that is — banished and separated from their families: that cannot be understood as "mild treatment" by our Countrymen.

My Government has most certainly a strong desire to cultivate kind relations with Japan, but I fear that when these reports reach it, a great excitement will ensue.

For my own sake I do assure you that my every feeling is of the kindest nature for this Government, and purple; and my every desire is to promote in every way, the kind relations between our Governments now existing

Enamkura: There is a misunderstanding! We consider that we have acted mildly, and as we promised: that persons recently deported have had their families sent with them; and this cannot be called severe punishment. They have lands assigned them, and an opportunity given them to make a living as they had before. Heretofore, the punishment for this offence was crucifixion;

this we have moderated at the request of the Foreign Representatives; but you know that in Japan, where all the people believe in one religion, that a sudden change, or the sudden introduction of a new religion, would produce great and constant political disturbances.

Our object now is, to converse on this subject & in the future we understand and believe it to be necessary we will still execute this order. If it was only for those people at Urakami believing in Christianity, this Government would never have thought of moving them. Whether it is on account of their religious belief, or because bad persons seek refuge there, we do not know, but trouble ensues, and the only way we know of correcting it was dividing them up and sending them away.

This is done solely on account of their acts of insubordination.

Mr Ottray: This is not in accordance with the letter you wrote us. I will ask: what are those things in which they are disobedient? Is it because they profess Christianity or not?

Sawa: I was myself for a long time Governor of Nagasaki, and I know all about these people. What I now say is that it is not owing to the influence of Missionaries. That criminals from neighbouring Daimios clans take refuge in these Christian villages, are there received, they then profess Christianity are baptized etc and when the Government officers seek to apprehend them collisions ensue between these Christians and the forces sent to apprehend them; whilst in fact these men are robbers.

Mr Citroy: I wonder that you have the power to punish a whole village, and not a few persons in it. There is contradiction here.

Sawa: I did not mean to say that we could not arrest them, but that the whole people of the village would resist our officers, pretending that the man was being arrested on account of his religious faith; when really, it was for some crime he had committed.

Terashima: The villagers amongst themselves are extremely hostile towards those in the same village, not of the same religious faith; that is; amongst our people it is quite usual for one to help another in necessity, by making

little loans of salt or provisions; when asked such favors these Christians would not grant them unless the others would profess Christianity, and many have thus been starved, or driven into professing Christianity. Their conduct has been constantly overbearing. They have not come to open hostilities but they have pursued a system of vexations and intimidation so oppressive, that it has led many to leave. They also spread reports about their treatment by which, sometimes, Foreign Representatives are deceived.

M Cubay: I have not received such reports.

Terashima: The only thing we intend to do is to get them where we can control them, and correct them.

Sawa: The upshot of this matter is that we do not remove this people on account of their profession of the Christian faith, but on account of their actions: and this Government would have pursued the same course with any other people; and, unless we do this, we don't know how we will govern them.

Mr Ritray: How many people?

Sawa: About five thousand.

Mr. Ritray: How many Christians?

Sawa: About three thousand.

Mr Ritray: Three thousand and troubling two thousand, and you remove the three thousand?

Sawa: Yes!

Mr Ritray: I thought there was four thousand, according to this decree.

Sawa: This included native Christians in neighboring villages

Mr De Long: Was the decree of deportation which was published last year ever repealed or amended?

Sawa: It was left in abeyance for awhile on account of our internal troubles. It has not been repealed or amended.

Terauchi: We were prevented from carrying it out on account of the expenses we would have had to incur; these Christians not being treated as criminals, but they were provided with houses and lands; besides this number being very large, we have hoped the respite given them would induce them to amend their ways. In this we were mistaken.

Mr De Long: Then the decree now being enforced is the original decree?

Sawa: Yes, but in a milder form, and

we shall explain the difference to you.

Sirashima: Formerly only the men were to be deported; now they are not separated from their families, and will even be furnished lands and houses.

Mr De Long: When was this last decree issued?

Saura: On the nineteenth of last month.

Mr De Long: But you never reported the decree to us:

Saura: I wrote you a dispatch on this subject.

Mr De Long: But you informed me in that dispatch that you were executing the former decree. I should like

an answer to my question, which is - if the former decree being executed, or has a new one been issued?

Sakuma: We shall explain the matter. Orders were sent formerly.

Tsuschima: Orders were formerly sent to Nagasaki; their execution was prevented from internal reasons: and also on account of the representations of the Foreign Ministers. Now, milder orders have been sent.

Mr De Long: Why then did you declare in your letter to me that you were but enforcing the original decree; and why did you not give me notice of these modifications you now speak of.

Sawa: The fault is mine: I expressed myself badly, but now I have given you the explanations.

Mr De Long: In what respect are the new orders different from the old?

Sawa: Formerly, only the men were deported, now they are left together with their families. There is a marked difference between these two degrees of punishment, the former much the most severe.

Mr De Long: How many people have been sent away under these last orders?

Sawa: Up to the sixth day of this month five hundred men were sent

the women and children were to be sent the next day.

Mr De Long: "Where were they sent to?

Senschina: "We do not exactly know we only know they have left.

Mr De Long: "How then can you know that they are provided with houses and lands.

Senschina: From one of the Sunjé (counsellors) we have reports on these subjects; but dont know the details by heart.

Mr De Long: "Where were they sent?

Senschina: I cannot exactly tell: some to other parts of Kiu Siu. some to Chosin.

Sarre: you can rest assured that we will not separate the women and children from the men.

Mr De Long: Am I right in understanding that you will at once take steps to suspend any further proceedings under this order?

Sarre: Orders have been issued to that effect.

Mr De Long: I wish to state to you as I have often done before, that my Government feels a most lively interest in the affairs and prosperity of this Empire; it wishes to aid you in every possible way, and has no single intent or feeling to serve, but will find fulfillment in your

increasing prosperity: but such action as this on the part of your Government will send a thrill of horror throughout the United States, where freedom of religious belief is granted to all; and yet, where the Christian religion is almost universally professed

It is not too much for me to say that this action may chill the warm tide of Governmental goodwill that is now flowing to you from the United States; and by proceeding further in this course you may change that mighty Nation — your nearest Treaty neighbor — into a hostile power. I warn you to pause; for I doubt that the Christian world will quietly submit to such people

thus banished into slavery for no other offence than that of having become convinced of the truths of Christianity, and professing their convictions: and from what you have here stated, I concur with my colleagues in assuring you of my conviction that this people that you are punishing, you are proceeding against for no other reason than the simple one that they have become converts to Christianity.

Sawyer: I am ready to withdraw any former letter to you, and address you and them giving you fuller explanations

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Mr De Long: I would be much pleased to hear any further explanations you

may have to offer of your actions and especially as I desire that you will inform me of the exact nature of this decree that you are executing, if it differs from the former one; but as your former letter has been placed on file in my Legation, and now constitutes a portion of its archives, I must most respectfully decline to allow you to recall it.

You know: To enable us to maintain friendly relations with Foreign Powers it is absolutely necessary for us to be able to govern our own people, and we are therefore obliged to carry out these measures against the Russian people. The Foreign Ministers misconstrued our acts, and in order to give them a proof of our good will, we acted as we have done, and sent contrary orders to Nagasaki, but we should like very much to be enabled to carry out our former orders, and it is a hard thing for a Government to recall orders once given.

Von Brandt.

I have but little to add to what has been said by my colleagues. We wish to continue friendly relations. This action will appear to the people of Germany like a proceeding against christians. We recognize the right of this government to manage its own internal affairs, and to arrest and punish malefactors, but I cannot avoid the impression that this proceeding is a proceeding against christians as such for their profession of that faith. This impression is much strengthened by the manifestos and proclamations of this Government being directed against christians. No government more readily than Germany will recognize the right of this government to preserve order, and none will object or interfere more unreservedly than the German

with the exercise of that right.

Ewakena:

If this government has prohibited the christian religion in Japan, it is not because it is offensive to it, but because we foresee great troubles to ensue from it as for instance if one man in a hundred becomes converted to that faith it would lead to a splitting up and dividing of the people. Formerly the laws against this were very strict now they are three or four degrees milder than formerly but we cannot allow it to be professed generally.

Von Brandt:

We do not ask you to allow the free exercise of it, but we do ask that men who do profess it should not be punished for professing it, in this there is a great distinction. We ask no change of laws but simply to allow those who do profess christianity to remain without being tortured for their faith.

Ewakena: You must consider the notions of our

government, as for instance the native christians
formerly sent from this village to Chosen, are all
to be returned now, as they have recanted their
profession of christianity.

M. Ontray: This is a contradiction - This
proves that it was because they professed christianity
that they were punished, as now that they have
recanted, their punishment ceases. If all
would now publicly recant their profession of
christianity, would they all be allowed to remain.

Ewakura: Yes; if they follow the religion of
their Emperor and obey the authority of the Government
no reason for their punishment exists.

M. Ontray: Then it is plain that they
are being punished because they are christians.

Mr Brandt: We appeal to you as you
would to us in behalf of any number of our
countrymen in our own country, who might
profess the religion of Japan (a religion which

we respect) if our governments should ask us to punish these men for so doing, and we ask you to consider this appeal as you would wish such an one of your own considered.

Mr. Autrey: How respect your religion.

Terashima: If I said that this was being done on account of the religion of these men, it was only true in one sense, but the main reason is that in consequence of them professing the christian religion, they despise their own. According to the Shinto religion, the Mikado is the direct descendant of the spirits. Thus he rules by divine right, and on account of his divine origin. Christianity teaches our people to despise and dislikeour this feature of our faith, and thus it brings this sacred thing into contempt. As for instance these christians instead of going to the Shinto Temples in Kyakawa, sacred to the Mikado and worshiping they refuse to do it, and thus treat the Mikado

Continuously, and lead thus to disrespect him.

M. Aubrey: How comes it, if this is the reason of your opposition to christians & christianity that you do not punish the Buddists? The Mikado is the chief of the Sintoo faith, and he cannot be the chief of more than one religion.

Tsushima: The Buddists show their respect to the Sintoo faith by agreeing to this principle.

M. Aubrey: Yes but they have their own temples and priests. Do they compel them to go to the Sintoo temples and pay their respect?

Enwakura: In Japan, whether Buddists or not, they have respect for and adore the Tensio Daisin, the ancestor of the Mikado as such, but christians do not. They insult and ridicule her, and of course thereby insult and ridicule the Mikado.

Von Brandt: How do they insult her?

Tsushima: In Owakura at this

temple of Tensio Daisen. They have a peculiar gate, sacred to the Mikado's ancestor. Those christians never will go through this gate, but go around it. Thus show all the people how they despise the Gods and teach others to despise her also. Then in all Sintoo houses the people have idols - family gods - and also sacred writings. They insult these idols and put the sacred writings in indecent and filthy places, to show the people how they despise the Mikado: Has this law in their own houses?

Tsushima: There is a place there called Shimo Jama with several little red gates, and inside each gate grows which people gather, and they will throw this each through these gates, and go around after it, rather than pass through them. This action it self may be small, but the feeling exhibited is great, and shows disrespect to the Mikado and his ancestor. The system of government here and in Europe you must bear

in mind are different. Thus the people have now a life to do with the government, how they have nothing to do with it, and to maintain this government it is absolutely necessary for us to explain all the people to believe in the divine origin of the Mikado, and respect and venerate him and his ancestors. Thus the Tycoon government ceased to exercise the powers, as many of the Daimio's refused obedience to the Shogun, saying he had no authority to govern. Thus and hence it became necessary for the Mikado to affirm charge of the government. Being the one they all acknowledge has the divine right to rule. To carry out this idea it is necessary for us to maintain this religion and to put down all that opposes it, or we would have no government.

Sir Harry Parkes: (After consulting with all of his colleagues, and in their name made

the subsequent declaration) We have listened to all that has been said, and I must state very plainly that our impressions are that this proceeding against this people at Quatema is on account of their being Christians. Now I must again repeat that to persecute this people on that account must be offensive to all the Treaty Powers. You are offending them because they profess the faith that we do, and this must be offensive to us. We do not doubt your intentions nor do we doubt your desire, and that of the Government, to maintain friendly relations with all the Treaty Powers, and I come with my colleagues because I foresee in your persistence in this course great trouble in the future. We beg you to reconsider your action. We do not come desiring to add one particle to your embarrassments, but to urge upon you our views that this course will disturb our friendly relations, and having these views, it is our duty to come to you and

point out the danger. You have told us that you will suspend these proceedings. For this we thank you, and we are beg often to examine this question, and we hope you will see that it will be necessary to annex the visiters of these profs as Mr. Ewaskma just now intimated.

Mr. Gurney: You must remember that these questions will merely effect our profs, and in Europe, where the profs have much to do with the governments, they will effect the governments in turn. You must recognize the state of European governments.

Mr Long: More particularly is this the case in the United States of America, which is a government of the profs, where all men are permitted to entertain and practice any religion they may believe, and they profess the same faith (Christian) for embracing which you are merely punish this profs.

Von Brandt: I shall heartily concur with my colleague in asking a suspension of the execution of this order, until your court receives a communication of the whole matter.

Iwakura: It seems quite under the reasons that we give that the influence of the people in Europe on the government is great, as it is here in Japan, and that the people are not in favor of the introduction of the christian religion. Our government is absolute, and if they allow this to be discharged, the government cannot be carried on, because the government is based on this religion. By the Mikado ancient customs and new usages, and by this reason we are obliged to refuse christianity, but do not like to do it as to give offense. I hope this will be understood.

Terashima: In refusing these religious questions to the treaties it will be seen that the engagements are mutual, that foreigners in

Japan can have their own places of worship, and practice their own religions, and that neither are to disturb the other. This at least is the spirit of the treaty. Now although we have given foreigners their own places of worship, and have never interfered with them, we have found out that Missionaries have established a place of worship at Owakura, not within the limits of the foreign settlement, where they go at night and preach their faith.

Mr. Airay: They must not have this; this is the first I have heard of it.

Inushima: Although it is not perhaps according to the letter of the Treaty that foreigners places of worship should not be attended by Japanese, we consider that foreigners have no right to go outside of the settlement, propagating their faith as they are doing. It appears to this government that these Missionaries

have also led these people to act as to implicate them ainsely. That they have promised them assistance if limited by our government is evidenced by the fact that when we attempt to control them, they always rush to these priests and complain to them. That we might ever come forward with our complaints against these priests we admit, and we say any that we have not done it, but thinking that the shortest way would be to deal with our own subjects, we have let it go on, now we regret this, for if we had ever complained it would have resulted in only ten or a hundred being moved.

Mr. Ribay: I regret that you have never informed me of this, but I wish to say this persecution commenced four years ago, and this shows that the more they are persecuted, the more they increase, and we know that at a place in the interior where there were no priests you have had to persecute these people, for christianity, and this we know from your

our official newspaper.

Terashima: That is true, but those and Japanese who are preaching christianity.

M. Roches: Do you not know that in the time of the Tycoon your government suddenly heard of four or five thousand native christians. Were they not christians from their fathers, and does not this prove that the more you persecute, the more christians there will be?

Terashima: It is possible that there were people who were christians before this, if so they kept it still. The government was not going so far as to spy and find out the sentiments of a mans heart and punish him for that, but these men are seditious and we cannot tolerate them. We will not say the mikimotos advise this, but the people do defy the government. The officers from Nagasaki inform us that they have turned one of the ten temples there into a place of worship, and

Thus the people assemble and await the missionary who
come in the night and perform religious worship
Mr. Ridley: shutting the house thus and stop
it if it not within the treaty limits.
Tsushima: These missionaries simply big awaited
men who are treated as evil-minded who go
about teaching, and it is owing to these that christian
is propagated inland. Now the reason we move
these people is to take them from under the influen
of these missionaries. To say the truth Arakawa and
Thus such villages have become the asylum of evil
and thus they congregate and claim that they are
under the protection of foreign Powers I know
well these people have been told to behave so.
Mr. Ridley: We certainly have never any of us
or our Consuls given them any such assurance, and
we have never heard of this before. We must
you will reconsider your action because it will
cause great feeling in Europe and America and

may lead to grave results. We ask postponement and due reflection.

Ewakura: I can only repeat that we desire friendly relations, but we must be allowed to govern our own people. We thank you for your evidences of friendliness, and we will send orders to postpone further action pending this conference, and on this conference it will depend whether we go further or not. We have spoken of the wrongs of the missionaries which our ministers cannot defend, and we hope it is in the power of our ministers to control these missionaries, whether they will behave or not.

Mr. Otis: We will do what we can to make our people in all cases do right.

Mr Long: I state unhesitatingly that when any complaint is made to me of a wrong done by any American citizen, I shall always

he as ready and willing to restrain or punish him as I am prompt to demand redress for my countryme from this government, when I consider them aggrieved.

Ewakina: I am very much pleased with this frank and open expression of your opinion, and by this remark I judge that we will no doubt be able to come to some understanding which will ease the necessity of further discussion. We will then leave the matter here and meet another day. The council agreed from a few days ago to stop these proceedings, and an officer will leave tomorrow to suspend them. Hawa and Tsushima will further confer with you upon this subject as you may please, and with this we adjourn this conference.

Consulate of the Netherlands

Nagasaki 14 January 1870.

Sir,

I have the honor to inform You, that the persecutions against the Native Christians, which had been suspended in 1868, have been resumed by the Japanese Authorities of this port and are every worthy of a better Cause. Already a number of three thousand one hundred and seventy (3170) souls, men women and children residing in this vicinity have been placed on board of various vessels, which sailed for ten different provinces of Japan

M. van Brandt Esq.
Chargé d'affaires
&c &c &c

to be educated there.

On learning this measure, having for object the tearing asunder of all social ties among this unfortunate people, as parents are separated from their children, and husbands from their wives, to be distributed and isolated; the Council of the Treaty Powers at this port, moved by sympathy for the victims of such barbaric treatment, united in a letter to the Governor of this port. Copy of which I have the honor to transmit enclosed herewith. No explanation of the joint note is needed.

At a Conference, which all the Consuls of the Treaty Powers attended by invitation of the Governor of Kanagawa, in pursuance of their joint note, the Representatives of the Japanese Government

verbally announced to us, that in the matter of the deputation of Japanese Christians, he simply carried out the instructions, which had been sent him by the Mikado's Government, and the execution of these instructions he could on no consideration delay or suspend.-

Neither the remonstrances of the Consuls against this barbarous measure, though couched in friendly and courteous language, nor the reference to the judgment, that the civilized World will not fail to pronounce in regard to it, had the slightest effect whatever, either in obtaining a postponement of this severe and inhuman purpose, or a modification of its execution.-

Several vessels, troops and natives, also Siamese have sailed from this port

and.

and from the Bay of Yokohama - on board of which the Japanese Christians have been sent to places, which notwithstanding my best and repeated endeavors, I have found impossible to ascertain. All questions in this respect the Japanese Authorities answered evasively, by saying, that the people would be sent to different provinces.

The deportation of these Christians has taken place without creating the slightest disturbance among the remainder of the population.

The Japanese Christians chiefly resided at Urakami, a village situated at the head of this bay; at Nagasaki another village, and in the vicinity and also the Town of Nagasaki.-

The Consul of the Netherlands.

Signed J. H. Lombrink.

Rec'd. 24th Feby.

No 14.

Legation of the United States in Japan

Yokohama January 22. 1870.

FOREIGN Relations '70

Sir,

A few days ago the Prince of Satsuma suddenly returned from Yedo to his province with a portion of his forces; the remainder are reported to be still guarding the Mikado in the Castle at that Capital.

As on former occasions, whenever that powerful Daimio approaches the Mikado, his former Confederates the Princes of Choshu and Tosa are known to be narrowly watching his

The Honorable Hamilton Fish

Secretary of State

Washington

proceedings.

proceedings - and all the other great Daimios held themselves aloof: still on the other hand, as soon as Prince Satsuma returns to his province, other Princes more or less show an inclination to counteract the influence, which that ambitious Prince is suspected of exercising.

Yet the most absolute reserve continues to be generally maintained by the Daimios in their intercourse with the Mikado's Government.

In former times, when the Law of Compulsory residence at the Capital for Daimios was in force, the Tycoon or Shogun, then the Sovereign of Japan, was surrounded at his Court by all the Princes. This Court was an exhibition of Sovereign Power and the Imperial

display

display was deemed essential to the proper enforcement of the Law and the maintenance of tranquillity in the Empire.

It is not Surprising therefore, that the Mikado's advisers, ever Since His Majesty's accession to power, by the half forced and half voluntary withdrawal of the late Tycoon, Should have endeavored to bring about Such a gathering of Daimios around the Imperial throne.

All their efforts in this respect have failed. The Mikado was considered as heretofore in the light of a mere political abstraction, without inherent Strength of his own; and whose claim to power was only based on an alleged divine origin, which no one hitherto thought it worth while to question.

The Daimios therefore only reluctantly

yield

Yield a nominal obedience and punctually
under some plea or other have excused
themselves from personal attendance at
the Mikado's Court.

The Imperial advisers, thus baffled
in all their attempts to compel a verbal
recognition of the Mikado's Sovereign claims,
issued a decree, abolishing all Daimios,
reducing them in rank to Simple noblemen,
and appointing them Governors of their
respective Provinces, though removable at
the Mikado's pleasure. This last
decree, as might have been expected,
failed to produce the desired result,
and remained unnoticed and unacknowledged,
even by means of respectful remonstrances,
another one was issued, appointing leading
retainers of Daimios as Mikado's Officers
to act as Guards in His Majesty's behalf

with

with and over the Governments of their provinces. This second decree fared worse than the first, and even led in some instances to acts amounting to overt Contempt of the Mikado's Authority.

More immediately pressing embarrassments had however first to be disposed of. The rice crop had been a failure, and food had to be provided for the large populations of Yedo, Kioto and Osaca, among whom riots had to be prevented at all costs. The populations of those Cities are dissatisfied with the prevailing Stagnation of trade, and in addition, the people of Kioto, owing to the Continued absence of the Mikado, claim to have a political grievance against Yedo, or a question of supremacy or precedence of their City as the true Capital

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of Japan. - Rice therefore has been, and continues to be largely imported from abroad, and is distributed by the Government in the three Cities named in some cases gratuitously or below cost. -

With the rice in the Government Storehouses, the Supply held by merchants, and that now afloat on the way to the Country, it may fairly be presumed, that the greatest apprehension of the Government has been removed; - and that the winter will pass without disturbances among the large City populations. -

This necessary measure, being perhaps one of Self-preservation, has involved a large expenditure on the part of the Government; and that has been in excess of the revenue, is clearly shown by the necessity, under which they found

found themselves placed of Contracting a loan from foreigners - a Step which they would undoubtedly have avoided, if possible. for it proves, that they are unable to borrow from their own people, & to impose new taxes; - and further, that they risk to encur further unpopularity, in view of the anti-foreign feeling, through the active Strength of which they established their authority:-

This anti-foreign feeling, though Quite Jenerel, appears to be Strongest and most uncompromising with the class of independent Gentry & Country Squires, residing in the provinces Surrounding Kioto:-

They are estimated to number at least twenty thousand men, - and appear to have their headquarters at a place named Tokkawa, though they are known to have no

political

political organization. At that place they even barred the Mikado's progress on the occasion of his coming to Yedo, - and they were with difficulty induced to peaceably disperse. -

It is thought this place, that the Mikado will soon again have to pass, if he should be forced to yield to the unjust demands now being made upon him to return to Kioto, in order to assert his Spiritual power, and perform the customary rites at the tomb of his ancestors, in Compliance with prevailing superstitions. It seems to be unquestioned, that in this direction, the Suito priesthood is now applying a vigorous pressure, with the ulterior object no doubt, of at the same time securing some more definite action, in redemption of the pledges, made on the occasion of the

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the assumption by the Mikado of Sovereign power in Secular affairs, - that their creed would become the prevailing one in this Empire to the exclusion or extirpation of all others.-

Although all the foregoing well known facts have been more fully set forth in former despatches; I deemed that this brief summary would be acceptable, in view of the undoubted and intimate Connection, which exists between the General State of affairs in this Country, and the Christianity question, submitted in despatch of this Series;- and thus more readily enable You to appreciate that difficulty in its political bearing.

Unaccountable, as it seemed at first sight, why at this present juncture of accumulating internal Complications,

liable

liable at any moment to be rendered still more embarrassing & anticipated Contingencies pending into effect among Princes, the Mikado's Government could have acted in a manner likely to place their friendly relations with foreign Powers in jeopardy. I have after a careful review of all the facts, arrived at the conclusion, that there is but one way of explaining the course adopted by the Mikado's Government on this occasion, and that the motives for their action, however extraordinary it appear on the surface, must be sought and can only be found in the extreme necessities of the situation, calling for extreme measures to meet and overcome them.

It is quite clear, that the deportation of over three thousand native Christian

the Tokugawa Government contemplated to conciliate the Imperial Household, the hereditary Country Squires and all those numerous Daimio retainers and others in all parts of Japan, who are only by their own quarrels and feuds and their neighbours prevented from forming and organizing themselves into a great National Anti foreign party, which, if it were possible, would be overwhelming in its strength and unanimity on that basis.-

The ostentatious manner, in which this deputation was consummated, including the formal reception in Conference at Yedo of the Foreign Representatives, who on all occasions announce their presence in the Capital by flying their flags, - the conspicuous place on a great thoroughfare selected for that Conference, - and the minute

subdivision

subdivision of that large body of Native
Christians among the greatest possible number
of Daimios, - are all so many reasons
showing, that the greatest publicity was
intended and has probably obtained for
the measure as an exhibition of strength
of the Mikado's Government; - of their
independence of foreign opinion; - thus
flattering the proud anti foreign feeling
existing. - And if successful in being
acknowledged as evidence of real power,
it is no doubt hoped, that it may
equally be successful in eliciting a more
than nominal recognition from the
Daimios, without whose active support
or implicit obedience a Mikado's Govern-
ment or any other Government can
Lastly be expected to prove more than
a Sham.

Mr

The Mikado's Government is perfectly aware, having been emphatically reminded to that effect, of the impression that act of deportation will not fail to create in the Civilized World, and visit the Government of the Treaty Powers, but on so many occasions received official assurances of friendly feeling. They may be presumed to trust, that this friendly feeling, though altered by this cruel act of persecution, will not lead beyond energetic remonstrances; and to the official existence of those now in power, the considerations, which led to its adoption and execution, are no doubt perfectly reconcilable on the plea of immediate necessity:-

The Mikado's original decree prevents that the unfortunate people shall work in mines and live in tents; and this

suggests

suffers. as there is a general desire now manifested in Japan to work mines of Gold, Silver and Coal, - and as in many provinces a strong belief is said to exist on the part of Coloreds to trust themselves in the Volcanic Country at any depth below the Surface of the Soil, that true Native Christians, free superstitious Samples in any respect, are not likely to meet with much consideration, will be made useful as pioneers, in the important branch of the development of the immense mineral resources of the Country.

While thus the Mikado's Government yields to the bigotry and fanaticism of the many, Courts their support by flattering their superstitions, and endeavors to turn it to advantage, with the aid of

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the Saints priesthood, & obtaining favor and through them a renewed recognition of the divine right of their Chief.- they at the same time combat the Superstitions against working in deep shafts among their Country people, who appear to be apprehensive, that while digging for a vein, they may strike an earthquake.-

It now remains to be seen, what effect this bold and unscrupulous policy of the Mikado's Government will produce; and in what manner they will follow it up, to ensure the continuance in office of those, who now exercise authority..

It may be expected, that as with them the end justifies the means under all circumstances,- that more high handed proceedings will flow from them so recklessly inaugurated..-

Purchase of arms and munitions of Daimios continue. The "Oneida" Commander Williams sails to morrow and there will then be no National vessel in this Country, except the Storeship Idaho, recently disabled in a typhoon.—

I have the honor to be, &c.

Very Respectfully.

Your most Obedient Servant

E. E. De Long

Minister Resident in Japan.

Rec'd 2d. Feby. Mr Chitten
Asst.

No 15.

Legation of the United States in Japan

Yokohama January 22. 1870

Sir.

I have the honor to inform You,
that I have this day issued a passport
to Moritz Robins, a Citizen of the United States,
and that the amount of five dollars, fees
received, will be duly passed to the credit
of the Department in my next quarterly
account.

I have the honor to be Sir
Very Respectfully
Your most Obedient Servant
. C E DeLong
Minister Resident.

To the Honorable Hamilton Fish
Secretary of State
Washington.

Rec'd 2d. Feb'y

No 16 Yokohama Japan.

January 28th 1870.

Sir.

FOREIGN Relations '70

The Mail Steamer is just about to sail, and I have but just time sufficient to transmit to you a couple of reports made by the native Governor of Nagasaki to the Mikado's Government, relative to the murder of Native Christians deported by Iwasa from Urakami, their ~~deliberation~~ treatment, &c ~~from~~ and which were by the Government just transmitted to me. — From these you will learn their own account of the manner, in which this business was transacted, and to this you can of course attach such importance and credence as you may see proper. — It is probable, that these statements have been prepared and furnished, with a view on the part of this government, of allaying as far as possible

Hon Hamilton Fish

Secretary of State Washington D.C.

No. 7.

possible

the feeling abroad, which this deportation is likely to create; and undoubtedly it is as favorably stated as the truth will allow.

I have report fail to change in the least my former views of the subject, or of the intended treatment of these exiles, as I have explained to you in my dispatch No 13 of this series.

I have the honor to remain

Sir very Respectfully

Your most obedient Servant

C E De Long

Minister Resident

To His Excellency
Charles R. Delong
Minister Resident of United States

We beg to enclose herewith
Copies of two reports relative to the
Native christians received by us this
morning from the Authorities at
Hogaraki:

The 20th day of the 12th month (21 January 1870)

(signed) Hei superintendent
Sawa Jusaumi Kiyowara Nobuyoshi
Terashima Junkei Kiyowara Munenori
Ministers for Foreign affairs

Report to the Department for Native affairs by the Assistant of Nagasaki dated 9th January 1870.-

We beg to report that up to Yesterday we continued sending off the Returnchristians to various Provinces as set forth in accompanying paper; taking good care in conformity with the instructions received to treat them kindly and tendering them advice.

Head of families were provided with money, and the Sick, who applied for relief were sent into hospital.

The old and infirm were furnished with Sedanchairs in places where the roads were rough. and travelling Sandals for travellers were given to all.

Families were not separated in

accordance

week intervening but Some one sent to
different places at their own request.

We allowed them to take whatever
they required of their own stock - and
such as were left behind were placed in
Store warehouses to await Your further
orders as to its disposal

As it was exceedingly cold and
Snow was falling at the time we furnished
all with Sake (Rice whiskey) to use on
the road as and when they please.

Strict orders were given not to Use
Force. We accompanied them to provide
whatever could contribute to their comfort.

It was clearly explained to them
that all reasonable wants they may have
shall be duly supplied in the manner
which they consent. and they all
left cheerfully and in good Spirits

Signed Lieutenant of Rifle Brigade

Enclosure 1st report of Rev. Nakamaki
Authorization to the Department for Foreign Affairs
List of Instructors of Native Christians
January 1870.

25 persons			
89. / 114.	"	to	Kochi.
14.			
88 / 102	"	"	Takamatsu.
12			
75 / 87.	"	"	Matsuye.
14.			
55 / 69.	"	"	Matsuyama.
61.			
195 / 256.	"	"	Wakayama.
21. / 93 / 114	"	"	Okayama.
10 / 58 / 68	"	"	Hori Yama.
36			
123 / 179	"	"	Nagoya.

Continued.

20 80 100.	persons.	to	Tsu
79 26 45	"	"	Himeji
71 138 209	"	"	Kafoshima
115 410 525.	"	"	Kanasawa
83.	"	"	Daishoji
37. 197 234	"	"	Fkuoka
35 120 155.	"	"	Totori
23 89 112.	"	"	Tokushima
17 76 93	"	"	Tsuna.
9 57 66.	"	"	Fukuyama.

In all 2810 persons.

185 more persons shall be sent
to sea by the first opportunity.

Between 50 and 60 persons ran
away and their whereabouts are
unknown.

Sub Enclosure No 1.

with Enclosure No 1.

and despatch No 16

Dated Yokohama January 23 1870

Recd 9. Mar.

No 17. Legation of the United States in Japan

Yokohama February 1. 1870

Sir,

It is my painful duty to report to You the total loss of the U.S.S. "Oneida in this Bay on the evening of the 24th Ultimo. A

She came in collision with the English Mailsteamer "Bombay", which, without Stopping to enquire into the injury inflicted, proceeded to her anchorage at this port where She arrived before 8 o'clock PM. Bombay

No report of this sad occurrence

The Honorable Hamilton Fish

Secretary of State

Washington.

Wm

was made that evening by the Master of the Bombay;- and it was not until the next morning at about Six o'clock that I was informed, that Dr. Suddards Senior Medical Officer of the Oneida with a boat's crew had arrived at Yokohama by land, and that a terrible disaster had taken place. Of all her officers and men only those before me were then supposed to have been Saved.

I immediately proceeded to procure the means of visiting the Scene of the disaster. Steam was promptly got up on the American Steamer Yangtze;- and in her I went to the Spot; leaving here at a quarter before Nine o'clock AM.;- but no trace of the ill fated Ship was visible.

H Bell's Sylvia and the English
Mailsteamer Bombay also proceeded
down the Bay, the latter taking up
two officers and 37 men of H Oneida
from the Japanese Navy Yard at
Yokosika, all of whom I promptly
ordered to come onboard the Yangtze;
but after vainly searching the three
Steamers named returned to their
anchorage.

I transmit herewith Enclosure
No 1. list of those who were Saved. No 1

As soon as the Japanese Authorities
heard what had occurred, they promptly
came to tender their condolence. They
issued orders to all their people on
the Coasts to render whatever assistance
might be needed - and to deliver
to their officials any articles that

might

might be recovered.

I also received a kind letter of sympathy from the Chargé d'Affaires of the North German Confederation; and most cordial expressions of condolence from the Commander and officers of the Russian Corvette Vsadnick at this port.

The Senior officer of H.B.M. Navy Captain Stanhope also called on me and very promptly ordered both the Sylvia and the Mailsteamer Bombay to the scene of the disaster - and the Steamlaunch of H.B.M.S. "Ocean" was placed at the disposal of the Senior officer of the Idaho, and has been employed in cruising in the bay with the Tenders the Master of that Steamship till the 28th Ultimo, when I made an arrangement with the Owner of the

Avontoon

"Croostook", chartering that vessel, formerly a gunboat in the Navy, to cruise in the Bay during a period not exceeding one month for the purpose of recovering the remains of the officers and men of the Oneida - and of public property if possible.

I transmit Enclosure No 2 copy of that arrangement as proposed; and No 3 copy of my acceptance. Of this, I trust, You will be pleased to approve. I also transmit Enclosure No 4, translation of letter of instructions from the Japanese Authorities to their people to render all facilities that may be required.

The Croostook having been kindly furnished with engineers by Captain Mirbacoff of the Russian Corvette Vsadnick, left here on the 30th Ultimo under command

of

of the Tenners above named and this day a report has been received by me, that the wreck has been found, and that at low water one of her masts is visible. I shall take immediate steps in concert with the Naval officer on the Station for the recovery of the public property.

The collision being an event of a most extraordinary one, involving heavy loss and heavy responsibility, it is of great importance to carefully ascertain all the facts connected with it. I have therefore deemed it my duty to personally attend the Enquiry into all the circumstances now being held at the British Consulate by a Naval Court convened for that purpose.

On my return to the Gunboat in

the afternoon of the 25th Ult. I found that the Court of Inquiry had already been organized at the British Consulate; and it was then at once agreed between HBMs Representative and myself, in order to avoid delay, and obtain full information as promptly as possible, that the Court should examine the Witnesses on both Sides, and that both of us should be present to assist in conducting the investigation,

I am well aware that this Course is without precedent, but being myself an Attorney; there being none in the place; with whom I am sufficiently acquainted, and not being authorized to employ any, I felt, that I had no option in the matter; to elicit the truth

being

being a paramount consideration in my opinion, to which all others should necessarily be subordinate.

The investigation is now progressing, and the result will show what further steps it may be further necessary to take.

A report of these proceedings is being published by the local press; but as it is incomplete, and I have had no time to verify it, I beg You will suspend forming an opinion of these proceedings, until a full and authenticated report shall have reached You; and this, I trust, I shall be able to transmit by the Mail which leaves here on the 23d instant.

I send this by a sailing Ship to San Francisco, whose original destination (New York) was suddenly changed

on

on the arrival of the Mailsteamer
"China" Yesterday. She sailing vessel is to
leave with all possible dispatch.

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant

M C A De Long

Minister Resident in Japan

Omit this Enclosure -

LIST OF MEN SAVED FROM THE U. S. Str. *ONEIDA*.

OFFICER.

Isaac J. Yates, (Master.)
James Suddards, (Surgeon.)
Nicholas Anderson, (Acting Boatswain)
William W. Crowningshield, Captain's Clerk.

William Anderson, Sea, Thomas Begley, C. H., Wm. A. Bennett, Sea, Henry Bennett, O. S., Michael Boyle, C. H., William Britney, O. S., Charles Brown, O. S., Pat. Cunningham, 1st F. M., F. J. Connolly, P. M., A. Chung, W. R. Boy, A. Chow, W. R. Boy, Robert F. Dyer, C. H., Henry Gernery, C. H., John Green, 2nd F. M., James Houston, O. S., William Holts, C. H., William Henry, S. Master, John Jones, O. S., Isaac Johns, O. S., James Jordan, Coxn, Geo. W. Kauffman, L. D. S., William C. King, C. A. G., John Kelly, P. Marine, Thomas Lyons, B. M., Joseph P. Long, O. S., John Long, 1st Boy, James McDonald, 2nd F. M., Edward Mulvel, 2nd F. M., Philip McDonald, L. D. S., Martin McHale, C. H., A. Man, Captain's Boy, Michael Murray, ship's cook, Peter Norman, sea., Robert F. Beard, Lds., Washington Pastley, K. M. Charles Regan, O. S., Edward Reilly, 1d. F. M., Wm. H. Roach, O. S., John Rushby, Sea., Albert Ruguert, Sea., John Sweeney, 2d. F. M., Peter Smith, C. H., Henry Sanders, O. S., Thomas Stevenson, 2d G., Abraham Stothoff, App., Patrick Shuhan, C. H., Thomas Speers, Lds., John Squires, O. S., James Stanley, Corpl., A Sum, Capt. std., As Si, Stg. boy, William Taylor, Sea., William Tinker, 2 G., Edward Tate, 1d F. M., William Friol, P. M., Henry Neil., 1st Boy, Christian Yager, O. S.

Enclosure No 1
with dispatch No 17
dated Yokohama February 1. 1870

American Legation

Yokohama January 27. 1870.

Sir.

Your communication of this date is before me and I hasten to reply, inasmuch as it is imperative that Search be made for the remains of the ill-fated victims of the recent fatal disaster to the Sloop of war Oneida - and also to Secure Such effects &c as may be washed from the wreck on shore.

The Captain of the Russian man of war "Vadnick" has kindly tendered the Services of efficient engineers, the Survivors of the Oneida and others from the Steamship will constitute an able crew - and with a quantity of Stores

Fr.

for which I shall make a requisition on the Officer Commanding the Idaho. I trust to be able to make an efficient and successful search for the remains of my Countrymen and ascertain if possible the location of and Survey the wreck

I shall then accept the offer so kindly and opportunely made according to your terms and I shall recommend my Government that a reasonable Compensation be made for such service as may be done by the "Aroostook". To night I shall complete all necessary arrangements for sailing and shall leave to morrow by early light for the Scene of the disaster

I am Sir

Edw Long

Minister Resident

John O. D. Stearns Esq.

Agent for the Gunboat Aroostook"

Yokohama 27 January 1870

Sir

On behalf of the owner of the Str "Arcostook" I beg to place her at Your Excellency's disposal for such purposes as You may require her in connection with the wreck of the U.S.S. Oneida" on the following conditions viz:

That You provide insurance on the vessel to the extent of Mex dollars Fifty thousand (Mex $50000.-)

That You find all coals and Stores that may be required.

And that You furnish a crew

The Hon: C.E. De Long
US Minister Resident

&c

for the vessel

I beg to leave any question as
to remuneration to Your Excellency. Should
the vessel prove of any Service

I am Sir

Your Excellent humble Servant

Signed John O. S. Stearns.

Translation of General Instructions

The American Man of war "Oneida" having sunk off Kwanonsaki in Soshu" on the night of the 24th. instant. Another man of war of the same Nationality the "Wachusett" will cruise for some time on that Coast for the purpose of recovering the bodies of the drowned and of all that belonged to that Ship.

Therefore all those, who reside on the Coasts, as hereinafter mentioned are strictly ordered as already notified to deliver to the said Ship "Wachusett at once: the bodies and all articles that may be found. Fishermen and those who are engaged in Navigation are to act in accordance with these instructions

instructions.—

In case the Ship Averstock "shall require any assistance owing to stress of weather or in any other respect, every possible facility must be given her — and all requests made by those who come ashore from the said Ship must be complied with in a friendly manner.

The foregoing to be made known to all without exception and its contents to be promptly circulated.

The 27th day of the 12th month.

(28 January 1870)

(Signed) Saibansho.

Kanagawa Ken.

To the Officials on the Coast of Sagami, Musashi, Awa & Kadzusa.—

Mr Chilton • file

№ 18 Telegram.

U.S Legation
Yokohama February 1. 1870.

Hon: Hamilton Fish
Secretary of State
Washington.

Total loss of U.S.S "Oneida" in this bay on the 24th Ultimo. by collision with English Mailsteamer Bombay. Wreck discovered. - Armament may possibly be recovered. Thorough investigation being held. - Further by mail.

List of saved

ng

enj:

Isaac J. Yates, (Master.)
James Suddards, (Surgeon.)
Nicholas Anderson, (Acting Boatswain.)
William W. Crowningshield, Captain's Clerk.

William Anderson, Sea, Thomas Begley, C. H., Wm. A. Bennett, Sea, Henry Bennett, O. S., Michael Boyle, C. H., William Britney, O. S., Charles Brown, O. S., Pat. Cunningham, 1st F. M., P. J. Connolly, P. M., A. Chnng, W. R. Boy, A. Chow, W. R. Boy, Robert F. Dyer, C. H., Henry Gurnery, C. H., John Green, 2nd F. M., James Houston, O. S., William Holtz, C. H., William Henry, S. Master, John Jones, O. S., Isaac Johns, O. S., James Jordan, Corn, Geo. W. Kaufman, L. D. S., William C. King, C. A. G., John Kelly, P. Marine, Thomas Lyons, B. M., Joseph P. Long, O. S., John Long, 1st Boy, James McDonald, 2nd F. M., Edward Mulvel, 2nd F. M., Philip McDonald, L. D. S., Martin McHale, C. H., A. Man, Captain's Boy, Michael Murray, ship's cook, Peter Norman, sea., Robert F. Beard, Lds., Washington Pastley, K. M. Charles Regan, O. S., Edward Reilly, 1d. F. M., Wm. H. Roach, O. S., John Rushby, Sea., Albert Ruguert, Sea., John Sweeney, 2d. F. M., Peter Smith, C. H., Henry Sanders, O. S., Thomas Stevenson, 2d G., Abraham Stothoff, App., Patrick Shuhan, C. H., Thomas Speers, Lds., John Squires, O. S., James Stanley, Corpl., A Sum, Capt. std., As Si, Stg. boy, William Taylor, Sea., William Tinker, 2 G., Edward Tate, 1d F. M., William Friol, P. M., Henry Neil., 1st Boy, Christian Yager, O. S *.tdem.*

Respectfully

A. A. De Long

Minister Resident in Japan

234 — 1017 PM

Blank No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

The rules of this Company require that all messages received for transmission, shall be written on the message blanks of the Company, under and subject to the conditions printed thereon, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, Gen'l Sup't, NEW YORK. 40 G

WILLIAM ORTON, Pres't, O. H. PALMER, Sec'y, } NEW YORK.

Dated U. S. Legation Yokohama Feb 1st 1870

Received at Cor. 14th St. and Penna. Avenue 8

To Hon Hamilton Fish

Secy State.

tal loss of U.S. Steamer
eida in this Bay on
he twenty fourth ult^o by
ollision with English Mail Steamer
ombay vessel discovered. Armament
may possibly be recovered thorough
nvestigation being held. further by
mail list of saved Isaac
M Yates master. James
Sudderds Surgeon Nicholas Anderson
eting Boatswain Wm Lo Croixengfield
aptains Clerk William Anderson Sea
hos Begley C.H. Wm A

Blank No. 1.

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THOS. T. ECKERT, Gen'l Sup't, NEW YORK. | WILLIAM ORTON, Pres't, O. H. PALMER, Sec'y, } NEW YORK.

Dated 186

Received at Cor. 14th St. and Penna. Avenue

To .....

Sea Henry Bennett

Bennett / O - S. Michael Boyle

C H Wm Britney O. S.

Charles Broon O. S Pat

Cunningham first / F M F.

J Connelly P M a

Ching W R Boy a Chow

W R Boy R F. Dyer

C H H Gennery C H

John Green Jecard F M

J Houser O S William

Haltz C H N Henry S. M

Master J Jones O S Isaac

Jones O S. James Jordan

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THOS. T. ECKERT, Gen'l Sup't, New York. | WILLIAM ORTON, Pres't, O. H. PALMER, Sec'y, | New York.

Dated 186

Received at Cor. 14th St. and Penna. Avenue

To 3

Corn Geo W Kauffman L
A S W C King
C a G J Kelly P.
Marine F Lyons P M
Joseph A Long C. S.
John Long first boy James
McDonald Second F M
Edward Mulvel Second F
M Phillips McDonald L. S.
S. Martin Michael C H a
Man Captains boy Michael
Murnary Ships Cook Peter
Norman Sea R F Reard

Blank No. 1.

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THOS. T. ECKERT, Gen'l Sup't, NEW YORK. | WILLIAM ORTON, Pres't, O. H. PALMER, Sec'y, | NEW YORK.

Dated 186

Received at Cor. 14th St. and Penna. Avenue

To 4

L D S. Washington Cassidy
K M Charles Ryan O. S.
Edward Reilly Co. D F.
M Lon H Roach O. S.
John Ruckby Sea Albert
Regaert Sea John Sweeney
Record F M Peter Smith
C H. Henry Sanders O. S.
Thomas Stevenson Record
G Abraham Stolhoff a
P P Patrick Shuhan C
H Thomas Speers L D

Blank No. 1.

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THOS. T. ECKERT, Gen'l Sup't, NEW YORK. | WILLIAM ORTON, Pres't, O. H. PALMER, Sec'y, } NEW YORK.

Dated 186

Received at Cor. 14th St. and Penna. Avenue

To 5

Lt John Squires U. S. J
Stantley Corps a Sum
Captains U. S. A. as
1st Lt by Boy William
Taylor Sea William Tinker
Second Lt Edwards Pate
One D F M Wm Grist
F M Henry Nicl First
Boy Christian Yager U. S.

E E. Delong
Minister Resident
in Japan - Forwarded from
1st 5389 San Francisco March 2nd
Lieut U.

Rec'd 28 Mar. Mr Charles

Enclosure and D. of L. No. 19 of

No. 19.

Mr C. E. DeLong to Department of State.

Yokohama Japan. February 3. 1870

No Enclosure. (printed)

Subject.

Lighthouses in Japan.

A first class light exhibited at Rokoma point

East of Mela Head. Eastern entrance bay of Yedo.

No 19. Legation of the United States in Japan
Yokohama February 3. 1870.

Sir,

I have the honor to transmit herewith two printed Copies of a Notice to Mariners from the Japanese Government that a first class light is exhibited at Nosima point East of Mela Head.

I have the honor to be. Sir
Very Respectfully
Your most Obedient Servant.
C E De Long
Minister Resident in Japan.-

The Honorable Hamilton Fish
Secretary of State
Washington.

Rec 28. Mar.

No. 20.

FOREIGN Relations '70

Mr. C E DeLong to Department of State.

Yokohama Japan. February 10. 1870.

2. Enclosures. & 1 Sub Enclosure.

Subject.

Christianity in Japan.

The Japanese Government dislike foreign missionaries; they consider Christianity oppressive. and are determined to put down proselytism at all hazards.

No 20.

Legation of the United States in Japan

Yokohama February 10. 1870.

Sir,

On the 28th Ultimo the Japanese Ministers for Foreign Affairs came to this place for the purpose of holding an interview with the Foreign Representatives on the Christianity question, but previous engagements preventing a meeting on that day, the Japanese Ministers returned to Yedo and then made their Statement in writing.

I transmit herewith Enclosure.

The Honorable Hamilton Fish

Secretary of State

Washington.

No

N° 1. N° 1, copy of their letter covering a Memorandum on the important Subject, marked Confidential as desired. - In pursuance of an agreement to that effect the Japanese Ministers came again Yesterday, when a joint Conference was held with them

On that occasion the Japanese Ministers in substance repeated what they had already stated verbally and in writing. They promised that no more Native Converts to Christianity would be deported from Nagasaki, but as information had been received from foreign sources, that diligent search is still being made by the Authorities at that Port and its vicinity for such Native Converts who are suspected of being Concealed, their

promise

pensive did not appear to possess any appreciable value.

The Japanese Ministers further requested that propositions for the settlement of the Christianity question be made by the Foreign Representatives, but in the absence of instructions that have been applied for, I did not feel justified in venturing beyond the suggestion, that the Native Christians already deported, should be returned to their homes.

The Japanese Government assert that the action and the teaching of some foreign missionaries have caused serious disturbances, and that they regard Christianity only from a political point of view. They persist in considering it an aggressive movement

and

and are apparently determined to put down proselytism at all hazards, and with all the means at their Command.

The result of the Conference was finally embodied in a Memorandum, Copy of which I herewith transmit Enclosure No 2. This Memorandum will be Submitted to the Council of State, whose views will be communicated to us.

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant

E. E. De Long

Minister Resident in Japan.

To His Excellency C. E. De Long

Minister of the United States

on the Subject, which we beg to inform
You is not to be notified to our
people. And we therefor request You
will Communicate it in strict privacy
to Your Government.

With respect and Consideration.

The 27th day of the 12th month (28 January 1870).

(Signed) Sawa Jisaumi Kiyowara Nobu Yoshi

Terashima Junkei Fujiwara Munenori.

Confidential

Memorandum.

They (the Japanese Ministers) understand that the Foreign Ministers are dissatisfied with the measures taken by the Japanese Government relative to the Native Christians.

Appreciating friendly intercourse and the respect of the Treaty Powers for Japan, they have deemed it their duty to explain their motives for these measures.

That the inhabitants of the village of Urakami are wrong in worshipping a foreign religion is not the question; but as Co-religionists they formed a party - and thwarted the Authorities,

The Government would not treat

two

thou people severely simply because of their worship. The Government never enquire what religious opinions people inwardly profess - and as long as they infringe no laws or offer no resistance, though there may be many who profess foreign religions, they will not be interfered with.-

And hence, since the conclusion of Treaties with foreign Countries has the Government abolished the law of Fumi-je (trampling on Christian emblems) which was established for the purpose of inspecting people's hearts.

The Government have engaged in their Schools to teach languages to those, who come here as missionaries; and have permitted anyone to translate and sell publicly all sorts of books, even such as

as

as relate to religions.

This proves, that the Government intend to change the law respecting religion, but when the people commit wrongs and misdemeanors, infringe the laws of the Country, & resist the power of the Government on the plea of being Christians - & when they are told by missionaries, that they will not be punished, as foreigners will protect them, - then the Government must step in, as such things cannot be permitted. -

Advice must then be given to such people - and they must be brought back to Submission to the laws of their Country.

The Government carry out the Treaty in allowing foreigners to worship their own religions, and build churches

in

in Japan. but they are dissatisfied with foreign priests, who induce the people to worship with them. - They use soft speech and Science; & give money to those, who worship their religion; - telling them, that foreigners will aid them. - Hard the people consequently became so outrageous, as to insult their authorities, and this must be remedied. -

On investigation it has invariably been found, that these so-called native Christians are only so in name; their acts however are such, as would undoubtedly be punished in all other Countries.

They conceal amongst their followers all sorts of criminals, whom the Government want to have arrested. They always disputed with others, and caused disturbances; insulted our Ancient religion, destroyed

images

images of gods and defiled the Gods.
from whom Hell the Mikado is descended.-

If these people were left alone, they would cause great trouble; the Government might be weakened and the Country endangered.-

It would have been quite proper to punish those people Severely, but as it was promised in January 1869 by Higashi Kuze to the Foreign Ministers, that they would hereafter be treated leniently, the Government had no other means in dealing with this matter, than to remove those people to other places, and thus cut off their communication with priests, whose desires of converting them may not be bad, but unfortunately the Japanese misapprehended the matter and insulted

the

the Authorities.-

The Government removed them in the manner as promised to the Foreign Ministers. No severe treatment was inflicted, but all necessary aid was rendered. This the Government is prepared to prove.

The foregoing are the reasons which led to the measure that has been taken. Between two and three hundred Years ago the Roman Catholic religion was propagated in Japan, and the Government was then almost brought to ruin in consequence;- and the Government have taken care, that this shall not happen again.- If the Governments of the Powers in Amity with Japan should deem the measure to be an unfriendly one to them

then

the Government of Japan would regret it very much.

The Japanese Government are faithfully carrying out the Treaty, both for Commercial and political purposes, and they expect aid from foreign Governments in this respect.-

They hope, that the feeling of the people against the Christian religion will die away one of these days, and they feel assured, that the Governments of the Treaty Powers agree with them, that everything that injures the relations between Nations must be removed.

The Japanese Government will not be obliged to resort to such measures as the unpleasant one referred to, if foreign missionaries would exclusively apply themselves to the teaching of

their

their own people according to the Treaty, instead of acting improperly as hitherto.

When the Japanese Government may not be obliged to cut off the Communication of those of their people who seek information on religious subjects with the Missionaries, and may further have no objection to send back to their village those who have been moved out of it.

The Japanese Government are desirous, that their people be instructed in arts and Sciences, in which Our Country is superior - instead of being instructed in religion - and they are above all desirous, that the existing friendship between our Countries may increase more and more.

The 27th day of the 12th month of the 2nd year of Meiji (28th January 1870).

Memorandum.

The Japanese Government having declared that the action of some foreign missionaries in preaching outside of the limits of the foreign settlement has caused serious disturbances and is one of the reasons for which the Government thinks the removal of the Native Christians from the neighbourhood of Nagasaki is a political necessity, the foreign Representatives do not hesitate to declare that they on their part will do everything in their power to restrain the foreign missionaries from such acts and will punish them therefor if such acts be persisted in. provided that the native Christians who have

already

already been departed from Urakami
are all brought back.

Signed Henry S Parker.

" Max Autrey.

" C E. de Long

" M von Brandt.

Yokohama.

February 9. 1870.

Rec 28 Mar. Mr Clubb

No 21.

Mr. C. E. DeLong to Department of State.

Yokohama Japan. February 12, 1870.

No Enclosures.

Subject.

Requisition for Stationery and a Seal press.

No. 21 Legation of the United States in Japan
Yokohama. February 12, 1870.

Sir.

This Legation requires a supply of despatch, white foolscap and note paper (not ruled) and plain white envelopes to match; - and I have further to request that a seal press for this Legation may be added, -- and sent at an early day. -

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant.

C E De Long

Minister Resident in Japan.

The Honorable Hamilton Fish

Secretary of State

Washington.

Rec 28. Mar

Mr. Chilton

No. 22.

Mr C E Delong to Department of State.

Yokohama Japan February 21, 1870.

Subject.

Political.

General uneasiness in Japan .. Various local disturbances and riots.

No. 22. Legation of the United States in Japan

Yokohama: February 21 1873.

Sir,

Nothing of political interest has transpired since the date of my last despatch on the subject.

Disturbances have occurred in several provinces, principally owing to the prevailing depression in trade, consequent on the failure of the crops last year, a general absence of confidence and the advanced price of food, although large importations of rice from abroad have continued.

The Honorable Hamilton Fish
Secretary of State
Washington.

L.

In Owari a rising took place; several engagements were fought, and the Prince of that Province is reported to have been defeated by the insurgents. The cause of that local Commotion has not been ascertained, but it is no doubt a quite serious one as the traffic on the road between Yedo and Kioto though that province has now been interrupted for several days.

The impression is general and strong, that before long civil strife will be resumed in this Country.

I have the honor to be, Sir

Very Respectfully

Your most Obedient Servant.

C E De Long

Minister Resident in Japan.

DEPARTMENT
RECEIVED
MAR
28
1870
OF STATE

No 23.

Mr Delong to Department of State.
U.S. Legation Japan. Yokohama February 22 1870

2 Enclosures. 3 1 Diagram.

Subject.

Loss of U.S. Oneida" by collision with the British mail steamer Bombay in the evening of the 24th January 1870. in the Bay of Yedo.-

Proceedings in British Naval Court of Inquiry transmitted. also Diagram and explanatory letter.

My course in attending this Court for clearing a full and true statement of facts. and to prevent threatened violence.-

No 23.

Legation of the United States in Japan

Yokohama February 22. 1870.

Sir,

My despatch No 17 and telegram No 18, both dated the 1st instant, conveyed to You the sad intelligence, that the U S S Oneida, on the evening of the 24th Ultimo, collided in the bay with the British Mailsteamer Bombay, and was totally lost.-

A list of those who were saved was also furnished.-

At about daybreak of the 25th Ultimo it was reported to me.

The Honorable Hamilton Fish

Secretary of State

Washington.

that.

that Dr Suddards, the Senior Medical
Officer with fifteen men of the Oneida
had reached this port by land;- that
their Ship had been lost at a point
estimated to be about ten or twelve
miles from this anchorage;- and
though this officer knew of no more
Survivors, it was hoped, that others
might have been able to Save themselves
in boats, or might possibly be floating
on fragments of the wreck..

After this Collision the British
Mailsteamer Bombay had pursued
her course to the anchorage, without
even Stopping to enquire whether
any assistance Could be rendered; and
as this action had created a feeling,
which it was necessary to control.
I did not hesitate to order that the

men

men who were saved. Could at once be sent onboard the Steamship Idaho and remain there.

This disabled Steamship being the only National vessel in Japan and at this port, the United States not even having a Steamlaunch in this country, I would have been obliged to apply to foreign Authorities for the means of visiting the Scene of the Disaster, but for the timely offer of the American Steamer "Yang-tze", which was then preparing to Sail on the afternoon of that day for China; - and as soon as Steam could be got up in her, I proceeded on my painful duty, animated by the hope of saving life. - But in that hope I was disappointed; no trace of the ill-fated Ship, of any

Kind

kind whatever could be discovered. I was accompanied by Commander Mickaeloff of the Russian Corvette Vsadnick; - and the boats of that vessel, fully manned, were towed by the "Yangtze".

The English and French Senior Naval officers had each sent a Steamlaunch, and H.B.M.S. Sylvia and the British Mailsteamer Bombay also pounded down the bay to search. - The latter having taken onboard the other Survivors of the Oneida, off the Japanese Navy Yard of Yokoska, where they had landed during the night, - I sent a request for their transfer to the "Yangtze", which was promptly complied with.

On my return to this port in the afternoon of that day (the 25th), I met the British Minister, from whom I learned, that preliminary steps had already

been

been taken to hold a Naval Court of Inquiry at the British Consulate; and I then agreed with him, as the evidence of such a Court of Inquiry could be ~~admitted~~ used in any proceedings, that might hereafter be instituted, that the witnesses on both sides should be examined before this Court, - and that both H Bell's Minister and myself should be present to Conduct or aid in conducting the investigation. -

I was aware that such a Course is without precedent; but the fact of both the British Minister and myself being present imparted to the Court the character of a joint inquiry, and materially contributed to reassure the public opinion, that was then freely being expressed on the collision, and

Vheil.

which, if not so checked, might have led to complications and unpleasantness among the Several Nationalities at this place.

The prevailing impression was, that Captain Eyre of the British Mailsteamer Bombay, after a collision, the Severity of which he must have known, proceeded on his Course without tendering assistance; thus leaving more than one hundred of his fellow men to perish; - that his inhumanity was revolting - and that he deserved summary punishment. - The British Minister informally called my attention to reports received by him, that the infliction of such summary treatment might be attempted at any moment - and it was certainly most desirable to promptly prevent any outbreak of feeling, however just or natural, a

any

any Steps being taken, that might interfere with a clear and correct Statement of all the facts and circumstances of this terrible disaster being carefully arrived at.

With this object in view I preferred joining my Colleague of Pentstitain in the Court already organized to the summoning of such a Court in our Consulate. - If two Courts of Inquiry (at the United States and British Consulates) had been held Simultaneously at this port, it was most likely, that such a course, however it may have confirmed mid law, would have proved highly inexpedient, as instead of allaying the existing excitement, which was effectually accomplished, it would have been intensified - and in such

manner

manner might have led to a breach of the peace, and thus added other deplorable results to the great calamity already so full of grief and sorrow.

I look forward with solicitude, though with much confidence to your approval of my course, trusting that you will be pleased to consider, that I was obliged to act with promptness and decision, in my endeavors to save life and property; to prevent acts of violence which were threatened, - and to avoid delay in eliciting all the facts connected with this disaster.

The Japanese Governor at this port has promptly instructed their people to deliver to the local authorities all they might find, and to render such aid as might be required; - and an English steamboat

with

with an officer of the Idaho onboard, continued the search along the shores of the bay. In order that this might be more effectively done, I accepted the offer of the owners of the Steamer "Woodstock", formerly belonging to the Navy, and through the courtesy of the Commander of the Russian Corvette Vsadnick, who kindly furnished an engineer, I was enabled, as soon as the Woodstock was officered and manned from the Idaho, to despatch her down the bay for that purpose. - In my despatch No 17 of the 1st instant I reported the charter of that vessel, transmitting Copy of the offer made and of my acceptance, from which You will have perceived, that beyond the payment of a premium of insurance on her for the Space of one month, and a Supply of Coal, no expense has been incurred.

incurred.

After closing that despatch I learned that the wreck had been discovered - and in my telegram of the same date (№81) I reported this fact to You. - The wreck was promptly buoyed.

I then sent to Shanghae for two divers named Lofee, who are provided with a complete diving apparatus, for the purpose of examining the spot, and furnishing an estimate of the cost of saving the armament, and if possible of raising the wreck. -

On the 3rd. the body of Commander Williams was recovered, and on the 8th instant it was buried with full military honors, in which all Nationalities, represented by their highest Authorities, Civil, naval and military, and a large concourse of residents

residents joined. - Since then the body of the Carpenter Mr J D Sinner is the only one that has been found. -

On the 12th instant, after a delay of a few days, occasioned by a wish to receive further testimony from the officers of H Bell's Sylvia, which vessel was then at Hilo, and had been ordered to return to this port for that purpose, a decision was rendered by the Naval Court of Inquiry.

I transmit herewith Hel. an authenticated copy of the proceedings including the decision, - without Comment. - N-1

The Divers Messrs Lofgee arrived here Yesterday from Shanghae, and in a day or two their apparatus will be in working order; when they

will

will be prepared to examine the wreck.
The Chief of Staff Commander Roe also
arrived - and will no doubt address the
Navy Department by this mail.-

I transmit herewith Enclosure № 2
№ 2 original letter, addressed to me by Lieutenant
Lyons US Navy, covering diagram ex-
planatory of the collision, fully illustrating
the views entertained from the beginning,
and which I had no occasion to change.

I trust the result of the enquiry
will be deemed full and complete,
that nothing has been omitted or neglected,
and that You will thus be enabled
to become acquainted with all the
circumstances attending this Sad loss
for such further action as may be
determined upon.

I beg respectfully to Submit,

Det.

that in the absence of express authority,
no proceedings beyond eliciting a full
and truthful statement could be expected
from me. The Peninsular and Oriental
Steam Navigation Company is a
wealthy Corporation; - and if, as I
believe, an action lies against them
for the loss of the "Oneida", proceedings
to that effect can only be instituted
before the Courts in England.

The proceedings herewith transmitted,
I cannot endorse as fully as I could
wish, except in so far as they relate
to the testimony taken of the collision,
which is correctly rendered. That I
felt deeply the loss that had been sustained
I freely confess, but a tendency unquestionably
existed to provoke me into a loss of
temper, which was entirely unsuccessful;

this

this is apparent even in the coloring of such words as I am reported to have uttered.-

The Suddenness with which the intelligence of the disaster flashed upon me, - the measures to be taken at once to prevent outbreaks of violence, apparently imminent, - a deep sense of the responsibility, which so unexpectedly devolved upon me, and of the importance of reflecting no opportunity of ascertaining as thoroughly as possible all that could throw light on the painful subject; - in all so many reasons, that lead me to trust, even though my action be deemed to have been without precedent, that I may with confidence look forward to Your Kind approval.

I have the honor to be Sir
your Respectfully
Your most obedient Servant
C. E. D. Long
Minister Resident in Japan.-

NAVY DEPARTMENT
RECEIVED
MAR 31 1870
SEC. OFFICE.

U. S. S. "Idaho."
Yokohama, Japan.
Feb. 21st 1870.

Dear Sir,

The best means of ascertaining to which vessel, the U.S.S. "Oneida" or the P.M.S.S. "Bombay," is due the collision by which the former was sunk, is to plot on a chart of Jedda Bay the tracks of both from the testimony of their Officers as given before the British Naval Court of Inquiry held in Yokohama.

This has been done in the accompanying tracing; and before entering on its explanation, it may be well to state the conditions of weather, sea, wind and tide under which the collision occurred.

It was a dark and chilly night, starlight, and without clouds. The wind from N.N.E. to N.E., and of a force indicated by "5" in a scale of which "0" represents perfect calm, and "12" a hurricane.

Sea was moderate, with the tide setting to the Southward at the rate of a mile or a mile and one half an hour.

In order to plot the Oneida's course, we have two accurately determined points: viz. 1st the

point B, where she passed about three cables to the Eastward of the light ship at 5.30 P.M.; and 2ndly, the point Z, where she is sunk with bearings, per compass, as follows: The centre of Suluiima (Perry island) W. by S.: Kanousaki light house S. by W.: Saratoga Spit buoy N.W. 3/4 N. 20 fathoms at low water, and mast head visible one foot at extreme ebb tide. These with the intervening courses from Mr. Yates' evidence establish absolutely the position of the Oneida at every moment of the time between 5.30 P.M. and 6.45, the hour it is believed she sunk. During the trial it was objected by one of the P. & O. Co's officers that the courses given by Mr. Yates could not be accepted because he did not know the amount of local deviation to be allowed on the

It is unfortunate, as well as greatly to be regretted, that Lieut-Com'r Muldaur, the navigator, was lost. From his well known ability as an officer, especially a navigator, he could substantiate this, and other facts important to the truth of this case.

But if it be borne in mind that the courses were by a standard compass elevated on the poop, at a distance more than 100 feet from the central force of all the iron in the ship — that the "Oneida" was a wooden vessel — that on Southerly as well as Northerly courses the deviation

is least, often nothing — and that the course, per chart, from the Light Ship 6 just clear of Kannonzaki is S. by E. 1/4 E. (precisely that given by Mr. Maldens & Mr. Yates) it will be evident that there could be no appreciable deviation of the "Oneida's" standard Compass on that course.

Heading, then, S. by E. 1/4 E. per standard Compass, from 5.30 P.M., under full sail and easy steam, the "Oneida" proceeded at the rate of 6 Knots 6 Feet, (per log) and at most 8 Knots 2 Feet (adding strength of tide) until 6.20 P.M.

During these 50 minutes she went 7 miles, which would have brought her to the point C.

But from leeway, ("Oneida" was on port tack, wind N.E.) the set of the tide, and the fact that Kannonzaki light which had been kept on the starboard bow, was now drawing almost ahead, the officer of the deck judged that the ship was approaching the western shore, the Oneida fell off to C'.

That she could not have fallen off more than to C' is proven by the subsequent courses, and the point at which she is struck. At C', then, Mr Yates ordered the helm a-starboard, to recover her on the original bearing of Kannonzaki light, and sent for the navigator. The latter on seeing his

position, ordered the ship back on her course on account of the proximity to Saratoga Spit. She had been headed off her course about four minutes, and as high as S.E. by S. Taking the mean between this and S by E 1/4 E., her original course, would give S.S.E 1/8 E, and a distance of one half mile, to establish the next position of the Oneida, the point D. From D. the Oneida continued S. by E. 1/4 E. until she reached the point F. when her helm was put hard a Starboard to avoid the "Bombay" suddenly discovered running directly for her from the point H. The international rule of the road when two vessels see each other's green and mast-head lights, is for both to put their helms to Starboard in order to give a wider berth. Such was the case of the "Oneida" and "Bombay" at the points F and H. That putting the helm a Starboard at the point F was the most feasable means of escaping the "Bombay" will appear clear from the following considerations. The "Bombay" at H was broad on the "Oneida's" starboard bow: the continued speed of both vessels was 17 knots (about) per hour: their distance apart less than a mile: they would thus have met within three minutes. The British naval Court are of

opinion that if the "Oneida's" helm had been put aport at the point F she would have cleared the Bombay; notwithstanding that the latter was violating a rule of the road in porting her helm.

But they may have overlooked the strength of wind and tide, and other circumstances.

Had the "Oneida's" helm been put a port at F, it would have required some seconds to do so, a few seconds more for the ship to feel it; the spanker, gaff topsail, and sails on the main would have impeded her ready motion to starboard in the first instance; and on bringing the wind on the other side the jibs and head sails would still be a counteracting force. True, this sail might all have been handled, but to man brails and clewlines requires time — at the crisis alluded to, they had but three minutes in which to do everything — and, therefore, with the Oneida's helm aport, it is most probable they would have met bows on. At any rate it would be the case of one vessel crossing another's bows, close to, which is the acknowledged one of greatest danger. Hence, besides conforming to the rule of the road, the course taken by the

Oneida was the least perilous, and the one more likely to avoid the Bombay. And it is evident also, that the greatest speed the Oneida could attain at this moment — rather than to stop and reverse her engines — would be more desirable, for, "twenty feet more", and both would have gone "clear of" each other without injury.

The Bombay cut the Oneida's starboard quarter entirely off, the rudder and wheel (& most likely the propeller) were carried away, she flew up into the wind, sail was shortened at once, the steam rapidly submerged, and from all these impediments to her headway, besides the shock of collision, it is impossible to believe she could have drifted a greater distance than from I to Z (half a mile) in the fifteen minutes she remained afloat after collision. The Oneida is sunk at Z, so that beyond a doubt the collision took place at I. Thus is the entire track of the Oneida established with almost absolute correctness.

Now to locate the Bombay, I have — not one mark or two, but as many as there were officers on board to testify on the subject. So conflicting is their testimony on the Bombay's positions, that no two agree within any reasonable distance

for any point.

I will take first the Captain's statements, as, the officer having most responsibility, he ought be best informed on the position of his vessel.
He says [see evidence] "When Kanonsaki light bore abeam of my ship, I should think it must have been about a mile off; at this point altered course to North. I think that course would carry me clear of Saratoga Spit." Plotting this, we have the point O abeam of Kanonsaki, and one mile from it; a North course from O would run the Bombay aground at P, in fifteen minutes, at the rate she was going.
Evidently Capt. ~~Eng~~ Eyre had not examined the chart of the harbor he was entering. He says, "I have never been in Japan before." — all the more reason for his informing himself by charts and sailing directions about the harbor he was approaching for the first time. For the next position of the Bombay, he says, "About 6.15 P.M. the light house on Kanonsaki was bearing S. 11° E. the Spit E. by N." Hence the Bombay was at the point P. At P. "saw the Oneida's bright light kept on port bow." — "it must have been about a mile from me." — "My course was then due North."

These statements are irreconcilable with the preceding. The Bombay, Capt. Eyre says, headed due

North from O, she ought then, be at Y, but he says she was at P after the lapse of 15 minutes. What agency can he allege for getting her there?

Certainly not the wind — it was N.E. force 5. — but the Bombay had no sail set: neither was it the tide — that was running but about 1½ knots per hour, and the set in this part of the channel was S.S.E., which would have taken the Bombay more to the E.ᵈ, than instead of W.ᵈ. But Capt. Eyre is determined on placing the Bombay at P, carried by some unaccountable force 1 7/10 miles from Y, where she should have been, steering N. the whole interval of the 15 minutes he states. Furthermore, he says at P "saw the Oneida ½ pt. on port bow and about a mile off. The Oneida was then at D, but a vessel at D is on the starboard bow of one at P. According to Capt Eyre the collision occurred at some point between P and D. But we have incontestible proof of it occurring at L — the Oneida sunk at Z proves that — so that Capt. Eyre's statements are not only confused and contradictory, but he shows ignorance inexcusable both of the position of his ~~ship~~ ship, and that of dangerous shoals in the harbor. The only way to account for the point P, near which the Bombay must certainly have been at some time of her course, and not

at Y, is to suppose she passed Kanonsaki at some point T, nearer to it than O. Capt Eyre had no accurate means of knowing how far off he was from the land here, and as his judgement is shown to be erroneous in other cases, is it not most likely it is so in this?

Besides, a mail steamer, to which time is a great item, will be likely to take the shortest route, and as she could pass Kanonsaki with the greatest safety at T, it being ½ mile from the point with 13 fms water, she did, without doubt, do so. Indeed the chief Officer testifies that they passed Kanonsaki about half a mile off.

Let us see how Capt Eyre's judgement is on other matters. He says (See evidence) "I should say the Oneida was going about 14 knots an hour" — Arthur Loggin Chief Officer says "Oneida must have been going 11 or 12 knots — and the pilot "About 8 knots." Of these three, the Capt's judgement is the most erroneous, far from the truth.

Again; Capt Eyre says, "The Oneida must have been about a mile from me when I first saw her light" — the Officer B.P. Crapp says "5 or 6 miles away" — and the pilot, "When I saw the steamers lights, I should say it was about 4 or 5 miles away." Other parts of the testimony show that all

three saw the Oneida about the same moment, so that the Capt here also is most in error.

Again; "It was almost immediately after colliding by putting lights over the bows that a spar was found sticking through both parts of the Bombay's bows,"— and the Chief Officer says, "On burning mail signal (blue lights and rockets) I discovered a spar through the bows of the Bombay; directly we anchored, I lowered a boat, went under bows and found the spar had gone right through. I then reported that it was a long time, more than an hour after the collision that I found out that the spar was in our bows, were off Treaty Pt. when I discovered it, I didn't report it until after anchoring." Here is an gross discrepancy, and to the detriment of the Capt. too.

They are all at a loss to account for that spar, but fig. 1 will solve the mystery. The Oneida had a spare topsail yard (a-b) lashed outside her starboard quarter about three feet from the water. The Bombay cut this in two between the lashings E, E, D striking resistance from the a end, it penetrated the iron of the port bow as in fig 2, bulged out, and fractured the

fig 1.

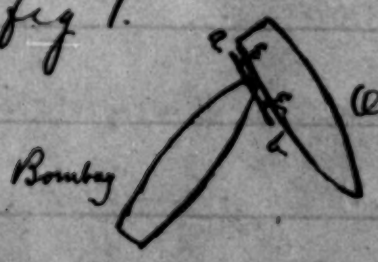
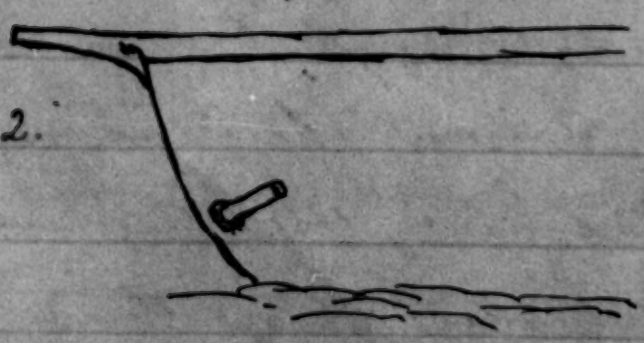


fig 2.



starboard bow. Capt. Eyre testifies that this hole is at the water line, but I examined it personally, and it must have been 2½ feet out of water at the Bountay's deepest line of flotation, when she left Hongkong; it was 3 ft 8 in when I saw it, out of water.

To sum up a few more points illustrating Capt Eyres capability as a seaman; he says, "I imagined the Oneida's quarter gallery was cut off, it never occurred to me that she was in danger" — what, with the Oneida ~~low~~ deep in the water!

"I should think it must be about 15 to 18 miles from the anchorage to the place where the collision took place." — it is 10: again, uninformed about the chart. "Finding the spar through my bows, and the "Oneida's spanker boom, gaff and sail on my forecastle, "didn't lead me to believe that I had penetrated very "far into the Oneida, or had done her material injury — "I do not know whether it is customary for two ships "to communicate with each other after collision, un- "less it is known that one of them has sustained "serious injury — Am not aware whether it is "customary for two vessels which have come "into collision on a dark night to communicate "in order to ascertain the amount of injury D

"each — the spar through my bows penetrated two thick-
"nesses of iron 5/8 inch each — I think it possible that a
"spar from a vessel could penetrate and remain in the
"bows of another vessel without the hull of the former
"vessel receiving any injury."

One thing is surprising, that Capt. Eyre who is so erroneous in all other statements, should be so precise about having the Oneida exactly 1/2 pt on his port bow; and stranger still, all the Bombay's officers, & the pilot, who disagree with him in all else, should agree with him precisely about that half point: this, though they were in different positions of the ship, which of course, to be correct, the bearing of a near object must also be different for each. It was a dark night, too, when objects are indistinct, and all were excited about the approaching steamer.

I venture to say that two experienced sailors, standing together, and judging calmly in clear daylight, will differ from each other at least half a point in the bearing of any object from the ship.

The pilot states "Capt Eyre asked me in case the ship came to grief, if there was any place for her to go to — where the Oneida could go ashore: I told him the spit was close to him and he could run on that, or that he would drift ashore on

Kanonsaki." This shows that Capt Eyre entertained great doubts of the Oneida's safety, for being a sailor of 37 years standing, he well knew vessels are not beached for trifles.

Can it be possible that an officer who has been so systematically erroneous in his judgement of matters of his profession be correct about the Oneida being at all times on his port bow?

Indeed Samuel Denton testifies that he heard the gong but once — vessel on the Starboard bow! *

* To show the feelings of Capt Eyre; the morning after the disaster when I boarded the Bombay with Lieut. Gough of the English navy, to request him to go to the scene of the collision, he never expressed a regret on learning that 160 lives (the number we believed then) were lost by the Bombay's colliding with the Oneida. And a few hours afterwards when introduced to one of the Idaho's officers, he still expressed no sorrow or sympathy, but almost his first words were of Self, "I think I can clear myself."

---

4 were about 1½ miles distant from it, heading
4 N.N.W per compass." Fixing this point we have

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Indeed Samuel Denton testifies that he heard the gong but once — vessel on the Starboard bow! *

Such was the man who commanded the Bombay — a man whose natural want of ability can be considered with charity; but whose fatal deficiency of both heart and head, by which he allowed 115 brother seamen to be swallowed by the perilous element they make their common home, can never be looked upon but as an act of astounding inhumanity.

Since Capt. Eyre would have been so culpable as to have the Bombay either ashore at Y, or at an unaccountable point as P, I will now plot her track according to the pilot.

"When the Kanonsaki light was abeam, we were about 1½ miles distant from it, heading N.N.W per compass." Fixing this point we have

it at R. "Continued on that course until the light
bore S by E." Laying down a line N.N.W from R, we
find that another (the opposite of S. by E.) would cut it at M
This is where the Bombay would be, heading N.N.
from R, and running until Kanonsaki light bore S by E.
the pilot said he did. But the Bombay was mani-
festly not at M, for the pilot says again, "When we
"first sighted the Oneida Kanonsaki light bore S. by E.
" or S.S.E.—At this point Saratoga Spit bore E by N. dis,
"tant about a mile or a mile & one half— When buoy
"was abeam of Bombay we were from 3 to 4 miles
"from Webster's island". Plotting the mean of
all these bearings and distances we have
S as the position of the Bombay at the same
instant the Capt says she is at P. But if the
ship headed N.N.W the entire time from leaving R,
she would have struck the buoy: the pilot says,
however, that he changed course from N.N.W. to N½W.
on bringing Kanonsaki light to bear S by E. It
has already been proved that he could not,
starting from R and steering N.N.W., bring the Kan-
onsaki light to bear S by E until he arrived at M,
where we see the Bombay was not, but at S, ac-
cording to the bearings and distance when
abreast the buoy: and changing to N½W.

would take the Bombay nearer Saratoga Spit, rather than towards the point S: from all which only one logical deduction can be made: viz. that the Bombay did not pass Kanonsaki at either R or S by but at some nearer point as T. Then steering ~~to~~ a N.N.W. Course from T both the Capt's & pilots statements are more easily reconciled. The remarks made about wind and tide in reference to Capt Eyre's position of the Bombay will be equally applicable here.

Also, that the point S, equally with P, is too far to the Northward for the position from which the Oneida is first seen — the Oneida sunk at Z substantiates that.

We have now two highly probable points of the Bombay's course: T where she passes Kanonsaki, and S given by the pilot. The point S is more reliable than P, inasmuch as the pilot knew the harbor and could judge better of bearings and distances than Capt Eyre, a total stranger to Japan. Drawing a line, then through these two points, we have the Bombays track from passing Kanonsaki until her helm is put a port at H, and she collides with the Oneida at I.

After citing two more statements of people who were aboard the Bombay in contra-comparison, I will leave to every rational, unprejudiced mind to judge for itself, taking any two corresponding points in the tracks of the Bombay and Oneida, on which bow they could respectively bear from each other.

Mr. Creagh who attended to the steering of the Bombay "says, "About 6.15 saw a bright light very nearly "ahead, five or six miles away — very soon afterwards "1/2 point on port bow — then ported helm, and hard a port "when the helm was hard over we could see the mast-"head light nearly ahead: afterwards mast head light "on starboard bow." — The pilot says "Shortly after "6 P.M. I saw the steamers lights I should say four "or five miles off, vessel about 1/2 point on our port "bow; ported helm at once, and then hard a port; "Bombay went off about two points or more; just "at that time we saw the Oneida's green light "open and red light shut in — the two vessels were "I should say a mile or a mile and a half sep-"arated, the Oneida heading across our bows.

Here Mr. Creagh states that before they touched the helm, the Oneidas light was very nearly ahead; after ~~it was put~~ the helm was put hard a port the Oneidas light was still nearly ahead: — The pilot states

that when the helm was hard aport, the Bombay went off two points or more —— to any naval officer, is not this incontrovertible proof that the Oneida was about two points on the Bombay's starboard bow before the latter touched her helm; else how could porting it hard over still keep the Oneida nearly ahead & immediately afterward on the Stbd bow? And the illusion of the Oneida's crossing the Bombay's bows was caused by the latter putting her helm a port, not that the Oneida was in point of fact formerly on the Bombay's port bow and actually crossed it.

But the whole secret of the Bombay's porting her helm is due to this sentence of the pilot's testimony "In coming up a narrow channel it "is usual to keep on the starboard side of such "channel." This is only a local English rule, but to conform to the precepts that obtain on the Thames, an international rule was violated.

The pilot but expressed the Capts views in those words. However they were not in a narrow channel; but a bay, miles in width.

One of the members of the British naval court said to me, "Granting that the Oneida did right in starboarding her helm, still she was on the wrong side of the channel."

The pilot says he thought the Oneida was a Jap ~~junk~~ from the fact of her crossing the Bombay's bows. It is a well known but sad fact, the contempt all foreigners in the East, entertain for native vessels: still this may be of use in explaining why the Bombay's helm was persistently kept a port, even when they saw the Oneida's green light and she was over a mile off, as the pilot testifies.

The Oneida was between the points C & D when the Bombay was first seen rounding Kanonsaki.

As the vessels approached it is evident they grew broader on each other's bow, until they reached respectively the points F & H. But even shortly after passing the point D, Mr Muldaur, the Navigator of the Oneida, being on deck, felt so sure of the safety of the vessel as to say that the Bombay would pass on his starboard side, which he wanted her to do. Knowing Mr. Muldaur as I do to ~~be~~ have been a most competent and careful officer, I feel convinced he would not go below them if he apprehended the slightest danger from the proximity or bearing of the approaching vessel.

Very Sincerely

T. A. Lyons.

Lieut. & Navigator, U.S.S.

Hon. C. E. De Long.

U. S. Minister to Japan.

Yokohama, Japan.

Ch de Calcium en Japan

Enclosure No 2
with despatch No 23
dated Yokohama February 22. 1870

1 Diagram
(enclosed)

Return this to the
State Dept

at Her Britannic Majesty's Consulate
at Kanagawa Thursday the 27 January
1870

Minutes of the proceedings of a
Naval Court held at Her Britannic
Majesty's Consulate Kanagawa at the
request of H. R Dalziel agent for the
Peninsular and Oriental Steam
Navigation Company at Yokohama,
for the purpose of inquiring in the
Circumstances of, and attendant upon
a collision which took place on the
24th of January between the Peninsular
and Oriental Steam Ship Bombay
and the United States Corvette "Oneida"

The Court consist of the following
five members

John Frederic Lowder Esqr
H.M.S. Conway
President

Arthur Linklater Commander R.N. H.M.S. "Conway"
David Wood Staff " R.N. H.M.S. "Conway"
John Gilfillan Master Mariner in Command
of the British Steam Ship "Sultan"
William Chapman Master Mariner in Command
of the British Ship Rockliff

The President remarked, before opening the proceedings of this Court which is held for the purpose of thoroughly investigating the circumstances of and attendant upon the disastrous Collision between the P. & O. S. Ship "Bombay" and the United States Corvette "Oneida" - I feel it to be My duty to request all the witnesses who may be called to divest their minds of personal feelings and to give their evidence calmly and dispassionately I would ask them to remember that the object of this inquiry is to ascertain the truth the whole truth and nothing but the truth touching the Matters before the Court - and would remind them that their assistance is relied upon to enable the Court to attain the end in view -

I have the request to make to the representatives of the press. alls which is that they will abstain from publishing any portion of the proceedings until the inquiry is concluded I feel sure that this request will be

 acceded

1st Application Your Honor & Gent[n] of this Court

Application to the Court of Enquiry.

I the Master of the British P to O. S. N. Coy Steamer "Bombay" Captain A. H. Eyre and the Agent of the said Company do at the port of Yokohama - desires this Court of enquiry to make a record on the Minutes before these proceedings are opened.

That they the said Captain Eyre and Mr. H. Dalziel called for this enquiry as to the damages done to the British Steamer "Bombay" - and the Causes thereof which arose from a Certain Collision between the said British P to O Mail Steamer "and a Certain other steam vessel on the 24th January 1870 instant, at or near Kanansaki point at the entrance to Yokohama Harbour, which it has since been found was the U. S. Man of war. Steamer "Oneida"

H. B.M's Consulate
27th Jan 1870

Ex B

2nd

Am I to understand that any evidence that I or any other person may give here on this inquiry may hereafter be used in any proceeding against me

(Signed) A. St. Eyre

Ex. C.

If any evidence that Captain Eyre. or any of the witnesses at this Court of Enquiry may give. may be Lecceafter used against me. I demand that a Specific charge or charges be made against me and ~~I~~ in writing - and that I be allowed to have the assistance of my Counsel Mr J. J. Bashard to examine and Cross examine all witnesses agreeably with the usual course & procedure in H.B.M's Courts

G 84 D

This Court can only inquire into the Causes of the Cause of Collision of the British Steamer. and determine if the British Steamer Bombay was in fault or otherwise. but cannot inquire into anything resulting therefrom this is a simple Court of inquiry only.

1

acceded to as the reasons for making it will be obvious to all.

Mr. Eyre. Master of the P.S.S. Read a Statement Landed in. Mr Eyre was then told that any evidence now given might be taken as evidence against him in any future proceedings.

He then applied to be allowed to retain Mr. Barnard as his Counsel.

Mr. de Long the U.S. Minister asked to be allowed to say a few words to the Court before Mr. Eyres request was replied to.

Mr. Eyre. took exception to the formation of the Court which he submitted was not a competent one he was told by the President to state his objections. Seriatim; and informed that the Court Consisted of five Members whose names read over to him - hands in a written objections.

The Court ruled that Mr Eyre might be allowed to retain the services of Mr Barnard as Counsel.

Mr Barnard. Submits that this Court

has.

No power to do any thing but inquire into the damage done to the Bombay

The Court referred Mr. Barnard to Section 260 of the Mercantile Shipping act 1854. Mr. Barnard on behalf of his Client - Consented that the proceedings should go on - Mr Barnard enters an objection as to mode of proceeding

Objection overruled by the Court

Mr. de. Long asks that it may be distinctly understood at whose request the Court is called

The Court answered that it was called at the instance of Mr. Eyre by Mr. Dalziel.

By Consent of Mr. de. Long Mr. Eyre was first placed in the box

Mr. de Long was allowed by the Court to Conduct the Case on behalf of the survivors of the "Onward"

Arthur Wellesley Eyre Sworn states I hold a Master Certificate I command the Steam Ship "Bombay" I was in Command of her on the 24th of January at 6-15 on the 24th instant the light

light house on Kanonsaky was bearing South 11° east the Spit was bearing W by North as near as I could judge. I saw a light half a point on the Port Bow a bright light. Shortly after I made out two lights. side lights a green and a red light. I ported my helm and kept porting, till I shut the green light in, the Pilot and Chief Officer stood by me on the bridge - I myself turned the Steam' whistle on in shutting off the green light. My Pilot said - we are well clear. my answer was - No - port still. Port is the rule of the road - the steam whistle was then turned off - almost immediately afterwards I observed the approaching Vessel Crossing My bows under full sail and Steam. I stop the engines. On his getting close upon me I put my helm hard a Starboard to clear him if possible immediately afterward the two ships Collided our Starboard bow striking

the

the "Arcadia" Starboard quarter the shock not being great at all more like a graze - I sent the Chief Office down at once to see what damage was donne and if the ship was making any water - I said to the Pilot. I dont think there's much harm done. - if there is we shall see a rocket. i.e. if they wish us to come down to her My Engines were stopped for about 10 Minutes as near as I can say the Chief Officer came up to me and reported that the Ship was making water forward - I then said I see no signal of distress and hear nothing so we will go on - the Ship was making water - and we had passengers and mails on board but whilst standing looking in the direction of the vessel astern I asked the Pilot supposing the Ship was hurt as that I should require were he could I go for safety his answer was there is not the slightest fear there is a spit close by and a Ship Cant go down - I then came up

up to Yokohama - even after we arrived I thought so little of the Collision that I had not the slightest idea of the disaster - I thought perhaps I might have cut his quarter gallery off - Nothing else - I didn't know what ship the "Oneida" was.

To Mr. Barnard I kept my Port helm a port. even after I had shut out the green light - the "Oneida" was under full sail and Steam - tide and strong wind with her - going I should say at about fourteen Knots an hour - the "Oneida" must have been about a hundred feet from us when I observed her crossing our bows - I gave orders to stop the Engines - twenty feet more and I should have cleared her the "Bombay" was going about seven or seven and a half Knots - before I stopped the engine - the wind was strong against me - the night was dark but not Cloudy - Couldn't distinguish a Man the width of a ship from me

8 the

the "Oneida" must have been about a Mile from me when I first saw her light - Cannot say - what time elapsed between my first sighting the "Oneida" and the Collision - the "Oneida" evidently starboarded her helm this brought the wind more on the quarter - I was on the bridge the whole time from about 11. A.M. when the Pilot came on board - till I got to Yokohama - the Pilot and the Chief Officer were on the bridge with me. the Carpenter and the Gunner were forward in the bows. at their proper Stations before the Collision - the Second Officer was on the fore part of the Poop. the fourth Officer was standing by the Wheel - to see that the orders from the bridge were attended to - My Reason for sending a second Officer on to the Poop - was because I came half an hour before the Collision. the Quarter Master did not answer my Signals quickly enough. A Sikh and an able seaman

were at

were at the wheel - no one was in the Chains - a man was there ready if wanted I have never been in Japan before I have been 34 years at sea. have — Commanded a vessel for 20 years - Sailing and steam vessels. I saw no damage to the other vessel - but I imagined that her quarter Gallery had been knocked off - My Pilot was of the same opinion it was that which lead me to think no harm had been done - I saw no lights or signals from the "Oneida" - I heard no guns - I looked for signals - but saw none - didn't see the "Oneida" clew up her sails. heard no sound from the other vessel. My Pilot called out to the other Vessel - what do you mean - the Pilots name is Connor - think he is an American he never suggested to me. that the other vessel was in danger - he agreed with me - that we should see a rocket if they wanted our assistance - The Court here adjourned till 1-30 p.m.

Proceeding resumed at 1-30 p.m.

I received a message from one of the English men of war at 6 a.m. on the

Morning

Morning of the 25th – to proceed to the
Scene of the Collision – I think it was
the "Clean" – after a few minutes reflection
I made the remark – that I didn't think I
was justified in going down not Knowing
the extent of the injury my ships bows had
sustained – I sent for the Chief Officer
to ask what water was in the hold
the Crew having been engaged all night
in pumping water out of the hold – and
transferring Cargo ~~and of the hold~~ on his
return he replied there were 9½ feet of
Water in the fore compartment and
15 to 18 inches in the second. I then
said I cant go – a few minutes after
that a note came on board from our
Agent – asking me to go – I was on the
bridge at the time – leaving short
an Officer came to me with a verbal
Message entreating me to go down
to the place of Collision. I made the
remark I was on the point of going –
I hold a letter from our Agent
asking me to go. I had it – that I was
going almost under protest as I did
not Know the extent of the damage
done to the fore part of the Ship – I found
that on two occasions while going

to the scene the water gained upon us
this was reported to me by the Chief
Officer and it was only by easing
down that we kept the water down by
pumping and baling - the men were
employed the whole time in pumping
and bailing - and transferring the Cargo
from one part of the vessel to another
My reason for not wishing to go was
that - I had so much water in the
fore part of the vessel that I didn't
know the extent of the damage she
had received.

7. To Mr. de Long - I can hardly tell the exact
time that I first sighted the "Oneida"
but I think it was about 6.15 p.m. -
dont think it could have been more
than five or six minutes between that
hour and the time of the Collision -
but I am judging from the speed I
think we were both going - dropped
Anchor at Yokohama at 4.43 p.m. -
eased down Engines at 4.20 p.m.
from the time I stopped Engines till
I went on again was about 10 Minutes
Cannot say how far the ship had
drifted apart when I went on again.

The -

the "Oneida" drifted on into the dark-
and was out of sight before the Engines
were turned on again. I looked with
a glass behind - to see if I could see
a signal - but could see nothing -
therefore I went on - I first saw the
white light - at mast head of the Oneida
saw the side lights at the same time
at about ½ a point on my port bow -
I have made a remark since that -
I believed I had taken the "Oneida"
quarter gallery off - nothing else - or
the effect that I had seen a hole.
in her or a man being carried
had I seen that I should had stopped
at once - I think my Pilot saw nothing
of the kind - I did not hear any shout
or hail from the "Oneida" - the only sound
I heard was from my Pilot - my Pilot
did not hear any shout - if the whistle
of the "Oneida" had been blown, and
three guns had been fired, fifteen
minutes after the collision - I think the
breeze was so strong that I could
not have heard them - the distance
between the two vessels would also
have been

have been too great and the Oneida being under Canvass might have impeded the sound — I stopped the Engines — It might have been two Minutes before the Collision — directly I saw there must be a Collision I was standing by the Telegraph myself I turned the Steam whistle on — with my own hand — I watched for some signal from the "Oneida" with my glasses for a hour a quarter of an hour — After the Collision occurred — the Pilot stood with me — I did not hail the "Oneida" — I was to busy with my own Ship — and trying if possible to ease the Collision — no one hailed from my vessel that I heard — My Second Officer has told me since that he heard (Steamer Ahoy —) called from the other ship but that there was no answer — the concussion was very light indeed — so light that I believe the Lady passengers didn't feel it — I was surprised as I certainly had thought that I should have been thrown off

the

the bridge - the "Oneida's" Gaff. and
Jigger boom and part of her Sail
were left hanging on my bow -
I was not entangled with her at all -
The "Bombay" is built of iron the
thickness of the plate is about a
quarter of an inch now. They were
originally 5/8 of an inch - I found
a spar sticking in through both
sides of the "Bombay" - the spar is
about 7½ to 8 inches in diameter -
it is below water mark - but as the
Ship lies now - it is out of water
dont Know what thickness of iron
and wood the spar had penetrated
I thought I was in a sinking position
because my chief Officer told me so -
I told him to go down and ascertain
the extent of the injury because it
is usual to do so - the Bombay
is built in Compartments - no injury
was sustained beyond the forward
Compartment - nothing was reported
to me which lead one to believe that
any injury had been done to the
Second Compartment - but it took

some

some time to take the stores out before we could find out the extent of the injury - Had the forward Compartment been full of water I could not tell how far the injury to the Ship extended - I should not have been in danger of sinking if the injury had extended only to the first - Compartment - My motive for leaving the scene of the Collision - was this - that I found I was making water - that I had passengers and mails on board, and I did not know what inquiries I had received and again not seeing any thing in the shape of a signal from the "Oneida" I naturally Concluded that the injury she had sustained was slight and that she did not require assistance - by the Water Coming into My Vessel. I feared that some of the other plates might have been started - I couldn't get at them to see the extent of the injury - I asked the Pilot if I could beach her, fearing that I might be obliged to do so - I couldn't

ascertain

ascertain the extent of the injuries sustained
till I had taken the Cargo out - didn't
ascertain till yesterday - didn't think
it was necessary to report the Collision
before the next morning - but knew
that the Chief steward would report
it to the Agent - I didn't like to
venture up to the anchorage on a
dark night as I had never been
here before - the next morning I
steamed down to the scene of the
Collision and back without having
made any repairs - but the crew were
engaged the whole time in baling
and pumping - and transferring Cargo -
I didn't know what the vessel coming toward
us was until I saw her lights - when
I knew she was a Steamer - the law
is when two ship meet end on whether
Steamers or sailing ships both port
their helm - when two sailing vessels meet
I believe the Rule is that if one is on
the starboard tack with the wind
she holds her own and the Port
give way - I think when I first saw
the "Oneida" lights - she must have
been about a mile off - I saw

her -

L & L.

That inasmuch as this is a Court of inquiry into the loss or damage done through a Certain Collision between the British Steamer "Bombay" and another vessel the U.S. Oneida

I submit that the proper order of proceeding is to call him Captain Eyre and the rest of the Steamer "Bombay's" Officers, before any other evidence is given from the persons on board the U.S. "Oneida"

her distinctly myself. first the masthead light - and then immediately afterwards the side lights - I cant speak quite positively as to the bearing of the Spit - but with regard to the light it bore South 11° East — the "Oneida" was half a point on my port bow - and I saw both her side lights simultaneously.

Ex 3d - To. Mr Barnard. I did not see any breach in the "Oneida" - no one on board at any time reported such breach to me - the first intimation I had of a vessel approaching was hearing a gong struck twice - I then looked with my glass - and saw the light - didn't see or hear a word from any one on the "Oneida" side had been laid open - it was never reported to me and I never saw it - I knew that I had touched the ship - on the Quarter Gallery - I never left the bridge - dont remember when the 2nd Officer told me of the "Oneida" having hailed us. — the "Bombay" is about 14 or 15 years old but I wont be quite sure - I know she is one

of —

of our earliest Vessels —

To the Court — at the time of the Collision our own lights were burning brightly I know so because I saw them — besides they had only been sent up about half an hour before — when I saw the light my course was due north — When I struck the "Oneida" — My head must have been about North east to North North east — My ship must have I think felt the starboard helm — at the time of Collision — there was barely time to reverse the engines when I stopped — did not think of it — I think it would have been impossible to reverse them — at the Collision I had charge of the Ship not the Pilot. finding the Pilot flying a Pilot's flag. I believed him when he told me he had a license — it is not customary to ask to see a Pilot's Certificate — I have never done so myself — the bearing of the Spit was East by North — not west by North as I stated — I should say a good top Gallant sail breeze was blowing

at the

at the time of the Collision - it didn't moderate immediately after the Collision - If I had turned round and followed the "Ireid" immediately after the Collision - it would have taken me full half an hour to come up to her at the spot where she was supposed to have gone down. if I had maintained the same rate of speed - but had she remained almost stationary it would have taken me from 10 Minutes to a ¼ of an hour. — the Pilot gave me the position of the Saratoga Spit - the Steamer generally gives way to a sailing ship - and invariably passes under her stern — I did not hear any crash as of breaking Timber when the vessels Collided - I should think it must be about 15 to 18 mile from the anchorage to the place where the collision took place it was almost immediately after the Collision that I found the spar of the other Vessel. hanging on the bow - I did not at the time think whether the other Vessel was smaller or larger than my own. It did not strike me that I must have penetrated pretty far into the other Vessel in order to take her boom - dont Know what Spar it

is

is sticking into our bows. - we found the spar there - by putting lights over the bows - as we were going up the harbour - we could see that it had penetrated right through - it did not strike me - that the Collision must have been very severe for a spar to have been thus driven through the bows of my ship - I wondered how it could have got there and was very much surprised at it - it was almost immediately after the Collision that we discovered this spar - the Bombay Carried seven boats - two life boats - two Cutters - a Mail boat - a gig - and a Jolly Boat - Her Crew consisted of 93 all told - I have never Collided with another Vessel before - I do not Know whether it is Customary for two Ships to communicate with each after Collision unless it is known that one of them has sustained serious injury - I am not aware whether it is Customary for two vessels which have come into Collision on a dark night to communicate in order

Order to ascertain the amount of injury each has sustained - I am not aware that there is any rule for signalising danger to a ship at night - I should always fire guns - or send up rockets but I am not aware that there is any recognised system - I did not send up a rocket - after the Collision as I did not think it necesary - because I was not in want of help myself - My opinion is that after Collision at night - it is not customary to — communicate unless a signal is made from one or the other of the Ships - but I do not Know if this is the recognized Rule or not - My Instructions as Master of a Mail Steamer are to stop for nothing but to save life - I was not aware that any life was in danger - I was firmly of opinion that there was no danger to the other ship - My Pilot told me that if there was any danger there was a spit close at hand — It did not once occur to me to stop and communicate with the "Oneida" being so close to the anchorage —

the

the Spar sticking through My bows went through two thicknesses of iron not through any wood - the distance between the sides of the bow at the point where the Spar entered is about. 3 or 4 feet I should think - I thought the spar must have been a spar from the quarter of the "Oneida" - I cant account for such a Spar striking me below the water line - I struck the "Oneida" abaft the mizzen Rigging - I did give as one of My reasons for going on that the Pilot had told me the "Oneida" Could be beached in case there was any real danger - it was what I should have done myself I did not consider that the Collision was heavy enough to have injured the rudder or screw of the other Vessel - I think it is possible that a Spar from a Vessel could penetrate and remain in the bows of another Vessel without the hull of the former Vessel receiving an injury - I was not stationary

when

When the "Oneida" passed - and she
shot past me, I could not
therefore have spoken her -

(Signed) Arthur Wellesley Eyre

Adjourned to G. A. M. tomorrow

1.

2nd day

Proceedings resumed at 9 Am.
28th day of January 1870

Asst Engr Wellesley Engre recalled, states.
The direction of the wind ~~at the time~~ at the time of the Collision was from N.N.E to N.E. I should think the sea was neither rough nor calm - It was a short chop sea -
To. Mr Barnard while the whistle was blowing I could not have heard any orders that might have been given
To - the Court. (at suggestion of Mr de Long) when Kanonsaki light house was abeam of my ship. I should think it must have been about a mile distant as nearly as I can guess. if I mistake not. a native junk passed me Coming from Yokohama - when the light bore abeam - we altered the ships Course to. North - when the light was abeam - I think that course would I think carry me clear of Saratoga Spit. our Course was altered to North - after passing the Light - when a Pilot is on board it is left to him to steer the course

Arthur Loggin Sworn states
I am the Chief Officer of the S.S. "Bombay"

the

the Bombay was to the North of the light house - say about a mile - a little after or about 6 p.m. on the 24th of January I was on duty at that time on the bridge. shortly after that I heard the gong strike twice on the Folkestone Foreca'tle. I immediately looked ahead and saw a bright light about half a point on the Port Bow almost directly afterwards I saw two side lights - the Captain turned on the steam whistle - and the Telegraph was turned on to port the helm - the helm was kept to Port until we lost sight of the Steamer's green light the Pilot then said that will do - she's well cleared now. the Captain said - no. Keep the helm apart. hard a port - suddenly the other Steamer. hauled right across our bows - The Engines were stopped and the helm put hard a Starboard to try and pass under her Stern. directly after we struck her. between the Mizen channels - and the quarter Gallery with our Starboard

Starboard bow. she instantly clears again - and I was sent by the Commander below to sound the wells. at the same time I heard the order given Hard a port - so that we could clear our boats and stern. I went down and searched the fore hold - sent the steward to open the store room to see if she was making water there - and then went on the forecastle to see what damage was done - peices of her sail were hanging over our bows. And I sent the gunner on the bowsprit end, to see what was carried away the only thing I could then discover was that our Bobstay had carried away I then went aft to the the Bridge and reported to the Captain that she was making water forward in the store rooms, but I could not tell how much till the stores were cleared out - that there did not seem to be much damage as only the Bobstay was carried away - the Captain was then standing with the Pilot looking aft and said. if they want assistance they'll

they will certainly send up a rockets or two, and fire again, he then asked the Pilot what do you think I had better do - do you think she is much damaged the Pilot said - No. you can go back if you like but I dont see there is any occasion for it, You dont know damage is done to your own ship - and you have the Mails on board - so you had better go on - the Captain then asked him - suppose she had met with any severe damage is there any where she could go safely - The Pilot said - Yes. she can run on the Spit which is close to her - The Captain then asked. if she could sink there - The Pilot said no - The Captain then said in that case we will go on - directly after that I reported the cutwater & all the Head works gone - and a Spar hanging under her bows. and that she was making water fast in the fore Compartment - the men were clearing out the store room Pumping and baling water -

on burning

on burning the Mail Signal I discovered a Spar through the bows of the "Bombay" directly we anchored. I lowered the Boat and went under the bows and found the Spar had gone right through - and that other plates had started below water. I reported that - and all hands were at work throughout the night - pumping and baling. I saw a Mast head light as well as the two side lights. The Steamer steered right in our way and came across us - the Captain gave the order to port the Helm - but the Pilot was on the bridge at the time - it was a long time - more than an hour after the Collision that I found out that the Spar had run through our bows - we were off Treaty point at the time I discovered it - we fire a gun, two rockets, and a blue light, as a signal that the Mail is coming in - this is done just before anchoring - I didn't report it till after we had anchored as I couldn't leave the forecastle - I couldn't find out what damage had been done outside on the ship

Ship - until after we had anchored - at the time of the Collision. I only knew that the Ship was making water fast - and that our boat stay had Carried away - at the time of the Collision we were burning Mast head light and two side lights - they were lit about three Quarters of an hour before the Collision and where burning brightly. No sail were set on board our vessel - the other Vessel seemed to have all sail set. The other Vessel was barque rigged - She had a fair wind - The direction of the wind was North-east I think She appeared to have the wind on her port quarter - The tide was at ebb. and pretty strong in her favour - I have never been here before - I had no idea at the time of the strength of the tide - the other vessel was under steam as well as sail - didn't know what Vessel she was - it was dark - The "Bombay" must have

heeled

been going about 8 Knots - and was steering North East - I think the other vessel must have been going 11 or 12 Knots - I didn't see any thing done on board the other vessel to avoid the Collision - I didn't distinguish ~~any boat~~ any boats on board the other vessel didn't hear any sound or voice calling - I was on the bridge - till she cleared us - and could have heard if we had been hailed - I heard no guns - and saw no signals of any Kind - from the other ship I. Was in a position to have heard and seen had there been any - I was some ten minutes below - when I came on deck - I saw nothing of the other vessel - the other vessel instantly cleared after the collision - I didn't see any lights on board the other vessel - at the time - I didn't see any light through the vessel's side - or through her Port holes - the Collision was just a touch - just a bound and a grate and off she went flying - I couldn't see her screw - I went below directly she had cleared it was a dark starlight night with

with strong north east winds - with not much sea - the other vessel was about a mile off. when we first saw her. She was bearing about north half west - almost immediately after we saw the mast head light we saw the side lights - when we shift out the other vessel's green light. the two vessels must have been about four or five Ships lenghts apart - when she hauled across us - of course we opened her green and shut out her red light. we did not starboard our helm. until we saw that did we not do so we must strike her right Amidship - I could see no one on board the other vessel I saw no measures taken on the other side to avoid the Collision - when she hauled up to cross our bows. the vessel must have been. about four Ships lenghts off - if any order had then been given to lower all our boats it would have taken us to seven minutes - this would comprise boats which would carry the whole ship's Company - two Boats are always kept ready to lower - they could be both in the water in two minutes it would not take 10 seconds to

strike

like a blue light as they are always kept
ready this is customary on board all
P & O. Ships - I didn't see the other vessel
clew up her sails.

F - To Mr. de Long - when we passed Ramonsaki
our course was I think N. N. W. but I
cannot say exactly - after passing that
light her course was altered to North
true - her course was not altered after
that to my knowledge - until the helm
was ported for the Steamer's light
there were an A.B. and a Lascar
on the Lookout before we reached
Ramonsaki light - after wards a
Gunner was put on - when first
seen the "Oneida" bore half a point
on our Port Bow - when we first
saw the "Oneida" the Ramonsaki
light bore South by East of us
and was about three miles off - when
we were abeam of that light -
it must have been a mile or half
a Mile from us - we saw the
Oneida's side lights simultaniously
she at no time bore on our
Starboard bow till after the
Collision - after the Collision I saw
no lights on the "Oneida" through her
stern - didn't hear the Oneida's
Whistle

whistle. dont Know at what time our whistle stopped - I cannot recollect - the shock of the Collision was very slight our Engines were stopped before the Collision and remained stopped few minutes I should think - we Passed over helm directly we saw the Oneida lights. I heard no crash as of cutting timbers and as our - it was just touch and off. still it was such a touch that I deemed it prudent to go below and see the condition of the vessel I went below first and then on to the forecastle - and then to the bridge and reported to the Captain, all this - was within the ten minutes and while the Engines were still stopped - during that few minutes I found the other ships boom, Gaff, and a piece of her sail. her boom was under our bow.

That Wm Barnard here avished it to be placed on record that he objected to the Constitution of this Court - as at present formed - because there has been no Complaint made by Captain Lyre or by any of the Officers - Crew - or persons on board

or

or interested in the British Steam Ship "Bombay" — and because the interest of the owners of the Ship or of the Cargo do not require and no person or persons whatsoever interested in the ship or the contents thereof have made such a Complaint as would warrant and give jurisdiction to any Naval Court under this or any other acts or acts of Her Majesty Queen Victoria or any of her Predecessors — and

2nd. We object to any American Citizen being allowed to ask any any questions or cross examine a witness upon any question relating to a British Ship or British property — We have no objection to any American gentleman watching the case and suggesting any question in writing through the Court

The Court informed Mr Barnard that this was a Court of inquiry and not of Strict law — and that Mr de Long had been Conducting the proceedings on behalf of the Survivors of the "Oneida" by

by and with the Consent of the Court
in fact both Mr Barnard and
Mr. de. Long appear by permission
the Court is much obliged to Mr.
Barnard and Mr. de. Long for
the valuable assistance which
they are giving it on this occasion
Con. this discovery of the boom, Saff.
and sail. was made during the
ten Minutes while the Engines were
stopped - but I did not report this
at that time. I only reported the
bobstay having been carried away
I only reported the damage done to
our own vessel - directly afterwards
I reported that the peice of sail
was on board - I cannot say how
much time elapsed between the
two reports but I think it was while
I was on the bridge making the
first report - the boom was up
and down the round of the bows -
of the "Bombay" it had caught in the
fluke of her Starboard anchor.
the Saff was on the starboard Bow
sprit shroud - extending from
there to the Cat-head the peice
of sail was over the Top Mast
Stay

4.

Stay. and hanging over the bow no light was at that time put over the bow - we lowered a light over the Bow I should think about 20 minutes after the Collision - but I cannot say, I cant say exactly how long a time elapsed ere then discovered that the entire figure head and head cails were gone - Cannot recollect how long it was before we made our Signals that I ~~discovered~~ inspected the Bows, on passing the light ship we fires a gun, two rockets, and a blue light. the Lightvessel responded with a rocket dont recollect hearing a gun from the light ship.- it did not occur to me - after seeing the Capt - sail - that the injury done to the "Oneida" might have been a serious one - It did not occur to me that it might have injured her screw or steering apparatus - I made no suggestion to the Captain that it would be better to stop to see what damage had been done to the "Oneida" - no one else did so to my Knowledge - I found a spar through our bow - but it was -

was some time after - the spar is about
2 feet long and eight inches in diameter
and penetrates right through her Bow
it must have passed through a 1/4
inch plate on each side of the vessel
if we had caught the "Oneida's" sail
over our Bow-sprit we could have
carried away his boom and Gaff
a spanker boom is attached sometime
with jaws and sometimes with a goose
neck - a goose neck is usually
about an inch and a half in
diameter - the boom has no other
fastenings to the ~~fastenings to the~~
mast - I formed the judgement
that our bow-sprit must have
caught her sail - and thus carried
away the fastenings of her boom -
we have no jibboom - we had
a wooden Bowsprit - after I
had seen exactly the state of
our vessel I thought we must
have taken her top work away
it did not occur to me to think
whether the other vessel was injured
or not - I was very busy with my
work on board - and gave my
whole

whole thought to What I was about
- I reported to Captain Eyre - what
I had discovered at once this was
after we had anchored and when
I had gone round in a boat and
inspected the bows - we anchored
at about seven fifty p.m. I believe
we remained at anchor - till day
light the following day - I didn't
see the Oneida for a moment
after the vessel had cleared

Ex 1 W Barnard - a Lunging spar
would easily Knock a hole in
a vessel's side if the vessel was
going at 8 Knots - when Masts are
cut away there is danger of their
forcing their way through the Ship's
side by the action of the water
if a boom projected say fifteen
feet over the "Oneida" stern - we
might have carried it away without
touching her hull - it is possible
that the spar might have forced
its way through the Bows after the
Collision - as the ship was going
at 8 Knots - the penetration having
taken place at the water line

Marks

Makes it appear more probable that the spar might have been forced in. by the water - Considering that the spanker boom is far above the water line I should think that to enter another vessel at the water line - it must have been worked into her side by the force of the water - on the night of our arrival I did not know of the damage done to the "Oneida" the accident to the "Oneida" was first reported on board us at 6 A.M. on the next morning

To. the Court. I was on the bridge when the lights of the Oneida were first reported at the time of the Collision I was on top of the bridge ladder - there is a telegraph for signalizing from the bridge to the engine room the Captain worked the telegraph that night I felt the "Bombay" stop when she did - the vibrations of the Engines ceased the Engines were not going ahead when I returned and reported to the Captain - I

dont-

5.

I dont Know if the Spar through our bow is the "Oneida" Spanker boom - when the Vessels Collided. the "Oneida's" head Vols not quite at right angles to our Stern. it is Customary to note the time of Making the Mail Signals - it is the fourth officer's duties to note the time - there was way on the "Bombay" at the time we starboarded our helm - there was sufficient way on to have made her feel her helm - I have never experienced a Collision before - I dont Know of any Code of Signals to be used in cases of Collision at night, on a dark night such as that of the twenty fourth a Steamer's light could be seen a Mile and a half off - I didn't look out for a Steamer till I heard the gongs sounded - the "Oneida's" lights were burning brightly - The leak is on the Port side of "Bombay" -

(Signed) Arthur Cole Foggin

adjourned till 1.30 p.m.

Richard Cormack sworn states - I am an American - I was born in New York States I have never been in England

England - I am a Pilot - and possess a pilot schooner - I am in partnership with another pilot - I was on the look out for Vessels on the 24th - I boarded the P to Steamer "Bombay" at about 11 A.M. on the 24th Instant - I was about 8 Miles to the North of Rock Island when I boarded her I am a part owner of my vessel - no European was on board my vessel when I boarded the "Bombay" - the Captain asked me if I was a pilot - when I said I was my vessel is a schooner of about 35 Tons My Mainsail is Marked No 1 - I carried a flag red and White the usual Pilot flag - My Vessel is registered as a Pilot schooner at the U.S. Consulate - She is a new Vessel - she was registered about the 18th of last Month - the 23rd - is the first time we went out as Pilots with this schooner - I have been a Pilot in these waters about nine Months - I have piloted at least thirty vessels in this Harbour I have no Certificate as Pilot there are no Licenses here granted to Pilots - I have no Certificates from Vessels - I have taken in - have never met with an accident as a Pilot

I think myself thoroughly Competent to Pilot a vessel into this Port - in any weather I boarded the "Bombay" about 11 Oclock nothing occurred till shortly after 6 Oclock at that time we were about 3 miles to the north of Kamonsaki when the gong was struck on the forecastle by the lookout it was struck twice to signify that there was something on the Port bow. The lookout was to strike the gong once if there was anything on the Starboard bow twice for the Port bow - and three times for a vessel right a head these signals were described to me by the second officer - I was on the Starboard side of the bridge I went over to the Port side - I saw the steamers lights I should say about four or five Mile distance. I told the Captain it was a steamer coming down the Captain turned on the whistle - the vessel was about half a point on our Port bow. I sung out to the helmsman to port the helm and immediately after the Captain sung out hard a Port the ship went off about two points so as to shut off his green light. then I spoke to the Captain - said his ship was off far enough the

Captain

Captain said let her go a little further just at that time - we saw the Oneida's Green light open out and her red light shut in - the two vessels were I should say about a Mile or a Mile and a half distant at that time - that brought the "Oneida" leading right across our bows. - the Captain stopped the Engines by ringing a bell - the Captain then took hold of the railings of the bridge and said (My God) there is going to be a Collision - I told him it couldn't be helped that we had done all we could to get out of his way that he was in the wrong - I then said that it was a Japanese by the way she acted - there was nothing then said till we came together - I was on the starboard side of the bridge when she struck - I heard no voice nor any body say a word on board the "Oneida" - I sang out and asked them what they meant the Chief Officer was on the bridge and started to go down the Ladder - just as the Collision occurred

occurred - after the Ship struck her - she swung off - just before we collided the Captain sang out - Hard a Starboard then when she was dropping down clear of us he sang out Hard a Port to clear the Ship stern and her boats it was a very little time after we collided that she was out of sight she had all canvass set and there was a strong north east wind blowing - she went out of sight in no time - the Captain asked me in case the ship came to grief if there was any place for her to go to - I told him I thought there was no danger of that - but if there was the spit was close to him and he could run on to that - or that he would drift ashore - at Kanonsaki the Captain said - surely if there is any danger they will fire a gun or send up a rocket - we were both looking in the direction of the "Oneida" - for signals - at the time the Chief Officer came on the bridge the Captain asked him what damage had been done - he replied that he

he
Could see nothing - but that the bob stay was gone - and part of the vessels sail was fond of the Bombay's bows so that he could not see all of the damage - I asked the Chief Officer if he had a light - and he then left the bridge and he went forward again the Captain and I were standing on on the bridge looking aft the whole time he asked me if I saw any signals I told him no - he said she can't be very badly damaged or she would give a signal - the Chief Officer came on the bridge again and said there was a spar - drove right through the ships bows and that she was making water very fast - the Captain said to me what would you do. I told him I thought that if the other ship was in danger she would make a signal and if she didn't it was better for him to go on to Yokohama as soon as possible - the bell was rung to go a head slow - shortly afterwards it was full speed the Chief Officer was forward at this time

forward at this time and coming
aft he said there were 8 feet of water
in the hold - I asked him where the
spar went through her bows. and he
said it was at the water line - when
the mate first reported that the
spar was driven through the ships
bows the master asked me whether
I could beach her there I told him
I could but that I thought if we
could get to Yokohama it would
be much better - that was all till
we got to Yokohama, except that
we now and then looked aft
to see if we could see any signals
- shortly after we came to an anchor
a man of war boat came along
side the officer in charge of the boat
came on deck the Captain asked
him what steamer that was that
had gone down the bay - the Officer
said it was the "Oneida - the Captain
told him - he had had a Collision
and that his bow was all stove
in that was all -

To Mr Barnard - when we first saw
the vessel ahead the Captain said

Port is

Port is the rule of the road - there is a system of Telegraphy between the Bombay's bridge and the engine room - the Engines were stopped immediately the Captain rang the bell - I noticed the "Oneida's lights they were burning brightly I dont know if she was under steam - when she was along side of us. I saw the foam was going as if astern - and I thought by the appearance of the foam made by the water that she must be backing I saw her screw going causing this foam - she was under full sail with a fair wind nearly aft. but a little on the Port quarter her sails were full, her screw might have been going round although she had not steam up if the screw was disconnected - if the vessel had been steaming astern the sails would have stopped her going astern - before the Collision occurred, when we first made the ships lights the "Bombays" whistle was sounded - at the time of the

Collision

7.

Collision I was in a position to have heard anything that may have been called out from the other vessel I was certainly within forty feet the ship's stern was right abreast of the "Bombay's" bridge after the Collision and when she was dropping clear – I was near enough and might have seen a shadow of people on board the "Oneida" – but could not have said whether it was a man – or what it was – after the Collision I saw the reflection of lights which appeared to come from the "Oneida" – I could not tell where exactly they came from but it was somewhere on the Ship's poop – I couldn't say what sort of light it was – there was not much time to look for anything after the Collision I heard no report of any gun – I looked for and did not see any flash or blue light or rocket – there was not even the light of a Japanese Boat in sight – I did not see any injury done to the other vessel

Vessel - nor did I see any of her spars on until the mate told me that there was what he thought to be a spanker boom and gaff on board the "Bombay"; if I had thought that there was the slightest risk to a single life I should have considered it my duty to report the fact to the Captain and requested him to stop - had I been in the position of Captain Eyre I should have felt it to be my duty - to go on as he did - I dont believe that Captain Eyre had any idea of the extent of the injury sustained by the "Oneida" from the way he spoke - I think he believed his own vessel was damaged most - I personally had no doubt as I saw no signals from the other ship. that was the reason I recommended the Captain to go on the "Bombay" must have been going all of 8. Knots before she was eased down we had a strong wind and the tide against us the tide must have

have been about two and a half
Knots. the wind was a full sail
breeze - beating up with a deep
vessel we could carry top Sallant
sail - I dont think she could
carry Royals - a Ship before the
wind could have carried anything
the Oneida had her topsails
her top Sallant sails, foresail
and spanker set - didn't notice
any smoke from the Oneida - it
was not over two minutes. it
might have been more during
which I saw the "Oneida" after the
Collision — I didn't see the other
vessel clew up her sails. she
must have been about a Cable's
length from us - when I last saw
her - I couldn't say at what
speed she was going then - I
didn't see any measures taken
by the "Oneida" to get clear of us
except that she had all sails
set as she came across our
bows. - first when I saw the
"Oneida" I thought she was the

French

French mail - then when I saw the sails set - I thought she must have been a Japanes Vessel. I thought the Vessel must have been a Japanese because She crossed our bows

+6. To Wm. De Long - when the Kamonsaki light was abeam we were about a Mile and a half distant from it we were heading N. N. W. by the Compass - I continued on that Course until the light bore south by east we were heading N. half W. when we first sighted the "Oneida" we had changed our course between the time when Kamonsaki light was abeam and when we sighted the "Oneida" - the reason was that I thought we were far enough westward to clear the Spit - when we first sighted the "Oneida" - the Kamonsaki light bore about S. by E or S. S. E - at this point the Saratoga spit buoy bore from us about a Mile or a Mile and a Laf distance E by N. according to my judgment - it is not customary for a Steamer Coming up the

Harbour

Harbour after passing Kanonsakè to keep to the westward in order to save distance we just barely edge round the spit — when the buoy was abeam of the "Bombay" we were about 3 to 4 miles from Websters Island — I saw the three lights of the "Oneida" — after Porting the helm - standing on still we shut in his green light - after a little - his red light was shut in then I knew that the Oneida had her helm a starboard and was crossing our bows — notwithstanding this we kept our helm a port — I dont suppose it was over a minute after the "Oneida's" red light appeared that the Captain gave the orders to starboard — it may have been more but it was a very short time - I have repeated all the conversation which occurred as nearly as I can recollect it — I have not stated to any one on shore — that I advised the Captain of the "Bombay" to put back after the Collision — Just before the Collision the Captain said

said - My Lord there will be a
Collision - I said it couldn't be
helped we had done all we could
to get out of his way - at the time
of the Collision I should think - that
the "Bombay" must have been going
about 6 Knots. as the Engines had
not been eased down but two
minutes that is my Opinion only
I Knew the "Bombay" was an iron
Vessel and had rather a sharp
bow. - I saw nothing to think the
Oneida - was an iron Vessel
as I could not see her hull. I
saw her top work - which was
of wood when the Vessels collided
the "Bombay" must have struck
the Oneida's Starboard Quarter
I Know that to be the weak
point of a vessel but I did not
think that she had sustained
any injury as she made no signal
the shock was very light and
the Vessels came into Collision in
a glancing way - I thought our
~~I thing~~ bowsprit had caught
in her Spanker brails and
carried

carried away her Gallery it did
not occurr to me that the blow might
have damaged her steering apparatus
I should say it was seven or eight
minutes it might have been ten
between the time of the Collision
and the Engines being turned
ahead again - I correct myself
I mean that it might have been
five minutes - and that it might
have been ten minutes from the time
that the Engines were Stopped until
they were turned a head again
it was before we started our
Engines that the first officer made
a report to the Captain that the
Bobstay was gone - that some
boom was up and down the
rigging and another one along
side the bowsprit - and that part
of her sail was hanging over
our bows - he said all I could
see was that the Bobstay was gone
as the sail is hanging over bows.
the whole of what I have now
said - was made as one report

The

Chief Officer made a second report
to the Captain - some eight or ten
Minutes may have elapsed between
the first and second reports made
by the Chief Officer to the Captain
the second report was this - there
is a spar broken through the bows
of the vessel at the water line -
and that there were 8 feet of water
in the vessel's hold - I did not know
at the time that the vessel was built
in Compartments when I heard
that the spar was in the bows.
I thought of the safety of the "Bombay"
Knowing that there were passengers
on board, and the mails, and not
seeing any signals, that they were
damaged as much as we were I thought
it best to go on to Yokohama —
had I known that the "Bombay" was
in compartments - My opinion
might have been different - I
thought that as there was 8 feet
of water in the ship at that time
if she were making water so fast
the best thing would be to get to
Yokohama as soon as possible
not Knowing she was built in
Compartments

9.

Compartments - I did not hear any hail such as lie by us you have cut us down - I did not hear any order of any Kind on board the other Vessel - I never heard a man speak - I heard a Crash and a jar. felt a jar - and heard a slight clashing as if somthing had broken - I noticed that the other vessel was smaller than ours - and I thought she was deeply Laden - it did not occur to me at the time that the shock would have been more severe to the smaller than to the larger Vessel - I couldn't tell what the light I saw from the stern of the vessel was I couldn't see the light itself only the Reflection - the light appeared to come from about the quarter where the ship was struck. I couldn't say whether it came from the Cabin or not. the vessel went past so quickly that it was impossible to discern the nature of the light - at the time I couldn't judge from whence the light came ~~from~~. it did not occur to me to think where it came from.

Ret'd

Re X- Dont Know if the Oneida had a pivot gun on her quarter - in coming up a narrow channel it is usual to Keep on the starboard side of such channel - we were on the starboard side coming up - at least we Kept over there as soon as we saw the light - we were about four Miles from Webbers Island two miles from Pernys Island and about three miles from Ramonskit - at the time of the Collision - on a dark night such as this we might safely have gone half a mile nearer to Saratoga Spit - but I didn't see the Spit only took the bearing of the light - and Knew from there that I was clear of the spit - I should have thought it my duty to Keep off the Spit - I didn't consider it safe to go nearer to the Spit than we did - as it was a dark night -

To the Court. I have never been Master - but have been chief Officer of a Vessel for fifteen Months. My Age ~~was~~ is 29 I have been at

Sea

sea 8 years - the "Oneida" might or might not have heard our whistle four or five miles off - I judged at the time that she must have been that distance off by her lights - I should say that on a dark night with starlight the Mast head light of a Steamer Could be seen with a glass four or five Miles off - but I dont think I should see it with the naked eye - I couldn't say at what speed the "Oneida" was going I should say that Considering the distance we were apart - and the speed we were going it must have taken two or two and a half minutes before we shut out her green light To the best of my judgement - there was a space of a mile or a Mile and a half between the ships When I saw the "Oneida's" head across our bows - and when the Engines were stopped - the - reflection I saw seemed to be reflected - aft from forward and was on the deck of the "Oneida"

"Oneida" - it was a light as if from a dark Lantern and of such a shape as would be made by a dark Lantern on a wall. it was not ~~light~~ like the light of a dead light - or of a Port hole - I did not stop to consider where the light came from - it might have been the light from the Captains ~~from the Captain~~ Skylight or any other light - I didn't stop to notice I cannot tell what was behind the light - or what the light showed me the light did not open up the interior of the ship to me - it did not appear to me to come from a hole which had been broken into the ship - I Couldn't say whether the "Bombay" was comfort in good order & Not. from the motion of the "Bombay" I thought she rose a little forward I did not call the attention of any one to the light on board the "Oneida" nor did any one call my attention to it

(Signed) Richard Conner

adjourned till 9 A.M. tomorrow

Saturday the 29th January 1870
9 A.M.

The President opened the proceedings by the following remarks.

This is a Naval Court of Inquiry held on the application of Mr. Dalgleish, as being in the interest of the owners of the Steam ship "Bombay". It is not what is commonly called a Court of Law, nor is Mr. Eyre upon his trial. Let my reply to Mr. Eyre at the commencement of the proceedings be well understood. I did not mean to tell him that this was a preliminary examination upon a charge laid against him. no charge has been made - should a charge be preferred against him before me a proper examination will be held into such charge, and if in my opinion there is sufficient evidence upon which to commit him to take his trial. he will be committed accordingly - otherwise the charge will be dismissed. there are two things which this Court has especially to inquire into determine. first was the Collision between the Bombay and the Oneida occasioned by any fault of Mr Eyre or his officers. Secondly after

the Collision had taken place, did Mr. Eyre do his duty? and whatever the result of these proceedings may be, it will be reported to the board of Trade the evidence therefore which the Court requires, is on these two points, and I will observe again, once for all, that legal technicalities will not be allowed to stand in the way of a thorough investigation of these two points - in order that it may be understood to what extent these proceedings may be put in as evidence in a court of law. I will explain:- Supposing that a witness answers a question before a Court of Law in a certain way which appears unsatisfactory to his interrogater, he may be asked did you not on such and such a day, during the holding of a Naval Court of Enquiry say so and so? and should the witness should then deny that he said 'so and so,' a Certified Copy of these minutes may be tendered as evidence that he did. Mr. Eyre might also be asked was the result of a Naval Court of Enquiry

to

so and so and in this case also a certified copy of these proceedings may be tendered in proof of such result - It is perhaps natural that personal feeling should run very high in this community upon the question of which this Court is partly taking Cognizance; but I ask, and I trust that a request of this nature will have the greatest possible weight) that the Gentlemen who are assisting the court in the prosecution of this Enquiry will - abstain from any remarks of a personal character of whatever kind or nature - for they only tend to increase and add to personal feelings of opposition which are already too intense - between the holders of different views on the momentous questions arising out of this terrible disaster

Ex 7.

By request of H.B.M. Consul we the undersigned this day proceeded on board the P.t. & O. Co. Steamer "Bombay" to survey the damage sustained in Collision on the evening of the 24th inst with a vessel supposed to be the H.M.S. Corvette "Orneida" and found the following, namely, that some large timbers had penetrated into the Port bow of the "Bombay" at the end of the iron plating close to the Stem about 3 ft. 9 in from the water making a hole 14 inches in diameter on the port side and splintering the plating on the Starboard side - part of the timbers remained in hole nearly filling it up - we further found a plate cracked on the port side - about an inch and a half below the water - and about 18 inches abaft the other one, the crack was about 10 inches in length. through which water was flowing freely into the fore compartment we found the false Stem Cutwater head, Head Knees broken and skirting boards. Crushed and carried away - we found on examination of the fore Compartment and Lower Hold; the ends of the plating

joining

joining the Stem much shaken and
inner ends of Knight head Sprung.
and one angle iron on port side broken

The Bowsprit and Rowsprit gear
was uninjured

Yokohama
28 Jan 1870

Signed Captain D. Micklayloff H.I.R.M.S.
(a) Frank Rayemont 1st Lieut H.M.S. Hesadnee
(a) Wm McDonald Surveyor for Lloyds Agent
& Local Officers

3rd Day

The report of the Special Committee appointed to inspect the Steamer "Bombay" boom was then read; upon which it was suggested that Mr de Long & Mr Barnard should write down the questions which they respectively wished to be answered, and submit them to the members of the Committee.

Boyle Purdon Creagh, sworn states:- I am Second officer of the P&O Steamer "Bombay". I was on duty on the Evening of the 24th I was on the poop. I went on duty shortly after 6 o'clock. I was on the fore part of the poop attending to the steering. I heard the gong sound twice. this was about ¼ past 6 I should say. I went to the gangway and saw a bright light ahead very nearly. I should say from five to six Miles away - not quite ahead: afterwards I made out a Steamers light ½ a point on the Port Bow. the order was given to Port the helm. then "hard a Port" I ran aft to assist in putting the helm over with the fourth officer — ordered the quarter master who was with the signal light - to give a hand also when the helm was hard over we could see the bright light nearly ahead - I saw the mast head light. not long afterwards the mast head light appeared on the Starboard bow. I could see a Steamer under full sail about

half

half way across the Bows crossing to the starboard - the order was given to starboard the helm - before the helm was quite over - we struck the steamer somewhere between the Mizen Chains and quarter gallery - when she was about abreast of the bridge, the order was given to port the helm - as the Steamer went astern of us, I could see the screw going round - I was not in a position where I was to see any lights - but the mast head lights at first I saw a smoke from the funnel of the other ship as she was crossing our bows - I should think the other Vessel must have been 2 or 2½ miles off when I first saw all her three lights - She was about ½ a point on our port bow at that time - after that there was no time at which I saw only one light - I was not in a position to do so - after we had first ported - and the bright light came right ahead, we must have been very close, say a quarter of a mile - or less. apart - It would be difficult for me to judge of distance from where I was standing - The wind was Northerly at the time - It was a fresh breeze; and there was a good sea on for narrow waters - The weather was clear, and it was a starlight night - I could see the hull of the Vessels about ½ a mile off - with Glasses - The mast head light of a Steamer could be seen 6 or 8 miles. off with Glasses without Glasses about 5 miles. The Side was against

against - our most Lead light was burning but I could not see the other lights from from where I was - when we passed Kanonsaki I was not on deck - when I relieved the deck - we had passed the lights at Kanonsaki. about 5 minutes I should think - our course was about N ½ W true - I couldn't then see the red light of the light ship - dont know if it was visible from the bridge - I should think 3 minutes must have elapsed between the time I first saw the steamers three lights and the time of the Collision - we were going about 8 Knots I think at the time - I heard the Telegraph go - and shortly afterwards the Engines stopped - I have no idea at what time the Engines stopped - I saw the other vessel shortly before the Collision and afterwards - when I saw her before the Collision - I had no idea what ship she was, the other vessel was under sail and Steam, with a fair wind I dont think the other vessel could have been going less than 8 Knots - but she may have been going ~~less than~~ 8 or 9 at reduced speed for all I know - when I noticed the other Steamer's Screw, I think she was going ahead; but I could not form a distinct idea because it was such a short time, I should say she was propelled by Steam and not dragging her Screw - The Collision occasioned a pretty good shock; not a very great

shock

shock, but you could feel it very well on the poop where I was standing - the Captain was standing on the bridge with the Chief officer and Pilot I believe - The bridge is in the centre of the vessel - I could feel the shock more on the poop than it would have been felt on the bridge - I did not report the shock to the Captain - nor tell him at any time what I felt: nor did I tell it to the Chief officer - from the Collision till I lost sight of the steamers hull - I couldnt say how long a time elapsed - I didnt take any note at the time - It might have been ten minutes - might have been less - but my attention was fixed exclusively on the steering - I had two men at the wheel and the Quarter Master under my orders - there was a man on the look out; there always is, two on the forecastle and on the bridge. I know that from hearing the gong struck - the other vessel did not appear to have sustained any great injury

X D.J. - Mr de Long - when I said the steamer didnt appear to be much injured - I meant that the other steamer - It is a standing order that every officer on duty on board our ships should have a binocular glass with him at -

at ~~that~~ time. I was not in charge of the watch. but of the steering. I didn't see the other Steamer till after the gong sounded. and then it appeared to me that she was about five or six Miles off. I referred to the Port gang way I said I looked out and saw the Steamer. I saw no light whatever till I went to the gang way. I first saw the mast head light of the Steamer that was from the gangway. that was after the gong had sounded. when the gong had sounded. I went to the gangway to see what was the Matter and it was then I saw the ~~Steamer~~ Steamers Masthead light ahead. I cant say how long or time elapsed between the time I heard the gong sound and when I saw the side lights. it may have been two or three minutes but I cannot say positively. when I saw the side lights I was standing in the port gangway. her side lights then bore ½ a point on the Port bow she was then about 2½ Miles from us. at the time the gong sounded the helm was steady the course was North half West. it must have remained perhaps two minutes steady after the

Going sounded - I suppose until they could make out the Steamers lights from the bridge. her Helm was then ported and afterwards steadied the ship had altered her course about two points before the helm was steadied it remained steadied a few seconds while I had time to walk three paces when it was put to port again. the Helm was steadied sufficiently long for the ship to feel its effects. I went a second time to the gangway and saw the steamers lights it was the Port gangway I went to the lights then appeared broader on the bow. the helm was then put hard a port and remained in that condition till we saw her Cross our bows. I first saw her Mast head light then her sails and rigging. I saw the mast head light Continuously. I knew from this that she must be Crossing our bows. when I saw her sails and rigging she must have been two ships lengths off. when our helm was put to Starboard the Vessels were a boat a ships length

length apart - I am certain I saw
smoke issueing from her stack. I
dont know whether her Mainsail was
set or not. her foresail. Mizen and
Gaff Topsail were set. - I did not
Notice any person - or any thing peculiar
on board her as she passed. I heard
a hail. after the hail dropped alter
some one sang out - Steamer Ahoy
I answered them. but heard no reply
I heard no other words such as stay
by us. if any thing of that sort
had been said - I could have heard
it distinctly - if said in the same
tone of voice - My reply was Hallo.
I did not report. this circumstance
to the Captain - I did not report the
Hail - but the fourth Officer did - the
report was made immediately - I
ordered the report to be made - I saw
the fourth Officer go to the bridge
where the Captain was. I think I
heard the steam whistle of the
"Oneida" going after the Collision
it was after the hail that I heard
the whistle. I did not report the
hearing - nor did I order such
a

a report to be made as I was not
Certain whether it was the steam whistle
or not. there is often a sound from
the Engines. like a steam whistle and
I was not sure whether it was that that
I heard or not from my post on the
Poop. to where the Captain stood must
be about a hundred and fifty feet
I was right aft at the stern of
the vessel. when I heard the hail
within a few paces of the wheel. the
wheel is about seven feet from the
stern - I think the Bombay's length.
is about two hundred and sixty feet
or someway near that. the bridge
is nearly Amidships it is before the
funnel. I should think that the two vessels
remain together but a few seconds
only. they seperated almost instantaneously
I cant form an opinion of how long
the other vessel was in sight after the
Collision from the state of excitement
I was in. I could distinctly see her
helm as she passed by us. I saw
lights about the deck. I did see a
light or the reflection of a light
from her hull. it was from the
after part of her hull close to her quarter

I couldn't

3.

I Couldnt say whence that light
emanated. I couldnt say whether it appeared
to me a usual light from a port
or a light as from an unusual breach
I could see that her upper work was
broken - it appeared to me that the
upper works were broken - but whether
the light came from a Port or else
where - I cannot say. - I could not
and did not see into the Cabin or
the interior of the vessel as she passed
by us - the light did not disclose
any thing to me - I could see the
breakage but could not distinguish
any thing - I couldnt distinguish any
one on board - I cant say if I saw
any one but I thought I saw one
figure - I thought I saw that figure
on the deck. not through were I saw
the light - I did not report this to
the Captain - nor did I have it
reported - the upper works which I
saw broken were I should think
before the Wheel I didnt consider that
the steamer was much injured by
being only damaged in her upper
works, therefore I didnt report
it

it to the Captain - I mean by upper
works - the upper part of the deck - Much
above the water line an injury to
which wouldn't put a ship in any
immediate danger of going down.
I knew the "Bombay" was a large
iron plated Ship and going at the time
about 8 Knots an hour. I Knew she
had struck a Vessel deeper in the
water than ourselves. she appeared to
be a little smaller than the "Bombay"
I do not Know the registered tonnage
of the "Bombay" - I did not think the other
Vessel was seriously injured.
Re X. To Mr Barnard. the other vessel
did not carry a Poop as far as I
could see. I have never been in
this Port before. I meant that the "Bombay"
was going 8 Knots before her Engines
were eased down - I dont Know
When they were eased down they
were stopped when the Helm was
Ported the second time - I couldn't
say whether the sound as of a Steam
Whistle came from - I have been
in a Collision before in the Calcutta
rivers

river one of the Vessels was the "Nemesis"
the other was the Cape of good hope
both mail steamers I was in the "Nemesis"
our Vessel sunk the other Vessel - on
that occasion the shock was not
very great -
To the Court. After hearing the hail I
answering it. I listened for about a
minute for a reply I did not fail
to ask if they were damaged. it
did not occur to me to report the
hearing of the whistle - I cant say
whether the Captain could have heard the
whistle or not. - it was very indistinct
I cant say where it came from
I did not notice whether the other
Vessels quarter boats and davits
were smashed. I didn't see any Rope
on her I was at the Wheel holding
it at the time of the Collision - the
Concussion had no effect on the
wheel I was holding on to if I had
not been holding on to the wheel the
Concussion was certainly not strong
enough to have thrown me off my
legs - the light I referred to appeared
to come

to come from about half way between the
Mizen and quarter Gallery - I cannot say
how the light appeared to me. from its
appearance I thought it might have come through
a Port. but not through a small Scuttle
I looked as closely at the other vessel as I
could look under the circumstances I couldn't
say how long a time elasped from the
time I saw the light and the time she
disappeared - I did not watched her out
of sight. I saw not heard no signals from
the "Lucida" - if a gun had been fired shortly
after - I think I couldn't but have heard it
I didn't hear any one on board say that
a gun had been heard. I dont know
if any order was given to keep an eye
on the "Lucida" or not - the "Bombay" could
not in My opinion have been going more than
three to four Knots when the Collision
occurred. I have known a Vessel with
with a Port as low down and as far
aft as the position of the light which
I saw (Signed) J. Boyle. P. Creagh.
2nd officer

Talbot - Stoker. Sworn states. I am
fourth officer of the Steamer "Bombay"
I was on duty a little after 6 p.m.
on the night of the Collision. I was
attending to the steering in the after part
of the

of the Quarter deck there was an order given to Port the helm. after the helm was steadied. I went to the side of the ship. the Port side. I saw a steamers lights about ½ a point on the Port bow. directly the order the order was given to port the helm I went and did it myself the second Officer assisting me. the helm was hard a port. when suddenly I saw a vessel shoot across our bows. she was under sail the order was then given to starboard the helm. which was done. the helm was barely on Starboard before the Collision took place. the shock was slight and the ship shot right away immediately afterwards as the ship dropped astern she hailed us. the second officer and I both replied. but got no answer not receiving any answer. I went to the bridge. and reported to the Captain what had occurred. the Commander asked the Pilot if there was any safe place where the other ship could go ashore. the Pilot said yes. she was close to the spit. the Captain made a remark that he didnt know what damage had been done

done to himself that he should proceed
that is all I heard - I returned to the
Poop for a short time after that
and then went on to the bridge for
good. I didn't notice any smoke from
the other vessels funnel - I saw the
three lights - but had no further reason
to believe that she was a steamer
I did not notice her screw as she
went astern. The ship was astern
when she hailed. I didn't hear any call
before she passed our stern - when
I heard the hail I should say the
steamer must have been about
200 yards away - the ship had
top gallants sails on her - I did
not see the sails being clewed up. I
could certainly have seen had
they been clewing them up at that
distance. I did not hear or see any
signal or sign from the other ship.
after I had replied to her hail - the
hail was in a loud tone of voice
Steamer "Ahoy" - I answered the hail
What do you want at the top of
my voice - the second Officer also
answered but his answer not

being

being returned. I then hailed. and hearing no reply I reported it to the Captain. I did not see any blue light or rocket or flash of any gun nor did I hear the report of any gun from the Oneida at the time I left the stern the other ship was drifting so rapidly that I could not form an opinion of her distance from us. I reported immediately to the Captain when I left the stern I could see the other Vessel's hull distinctly - I noticed that the vessel seemed damaged about her upper works - by upper works I means the works above the water lines. by the quarter Gallery above the main deck. I could see a light on the after part of the ship. it might have been from a port. it might have been anywhere. I have been 9 years at sea. I did not think there was any serious damage done to the other ship. had I thought so I should have reported it to the Commander I reported to the Captain that the Steamer had hailed but that I could not obtain any answer from

from her. at that time that was all I reported. I cant remember having made another report. the Captain turned and consulted the Pilot. I remained on the bridge. a short time. then went away and then came back again. I went down almost immediately to fetch the Chief officer. after making my report so that I couldnt see what the Captain did. when I came back to the bridge the second time the Captain was looking astern through a pair of glasses. the Pilot was on the bridge I didnt notice. our lights were burning. we were under steam only. when we first saw the vessel. we were steering N.E.½E to ½ W. (Compass) the light house was visible astern very nearly astern

T. To Mr de Long I could see the Steamer very plainly as she went astern I saw no one on board of her I Could see that she seemed rather damaged about the quarter gallery

and

And that she was rather broken aft. I
could not see into her Cabin or Ward
Room. I could not distinguish
exactly the amount of damage
only that a lot of wood was broken
I didnit notice whether her Quarter boats
or davits were broken. I could not
see her wheel or any thing on her
Quarter deck. I did not see a light
at the point of the damage. I saw
one or two lights aft. but I did not
see any hole in the ship - caused
by damage - I did not hear her
steam whistle sound after she
passed us. I heard no report of
any gun - and saw no flash
I didnit note the time - but I should
say we went on again about
ten Minutes after the Collision. I was
on duty at the time we passed —
Kanonsaki light - when we were
abeam of it we were about a
mile from it - when I first saw
the Steamer I saw her Masthead
light - almost immediately after
I saw the Side Light simultaneously
when we passed Kanonsaki light
we were steering by the Pilot I couldnit
say —

Say what our course was I should say that
not more than three or four minutes elapsed
from the time I saw the light and the time
of collision when the steamers lights
were observed. the order was at once
given to Port the helm which was done
it remained ported until the vessel
was seen as she headed across our
bows. the order was then given to
starboard and the helm was starboarded
it was nearly hard a starboard at
at the time of Collision - the Captain
and the Pilot was on the bridge.
When I went to report the hail. the
first Officer was on his duty forward
I think if I remember rightly I met
the first officer as he was coming
up from below. I said to him the
Captain wishes to speak to you
he didn't answer but went at
once to the bridge - I went to the
Poop again I first looked astern
but did not see the vessel. I can
remember that any thing was
said between the second officer
and myself then - I then returned
to the bridge and saw the Captain
and the pilot - I didn't hear what

was

was said between the Captain and the Pilot on the bridge. their Conversation was private and I did not listen to it. I saw a Vessel's gaff laying along our bowsprit - and a vessels spanker boom. sticking up by the anchor - I saw no sail at that time this was on our way up the Bay. I didn't hear a report of what things made by the Chief officer to the Captain. I was not on the bridge at the time the Chief officer made his report.

Q. F. To Mr Barnard. it is not customary for a junior officer to stand on the bridge close to the Captain - I went to the Captain directly after I had heard the lead the Second Officer was in charge of the helm. the helm was shifted from ~~port~~ to starboard without being steadied. but she had been ported and steadied for a short two Minutes before that time there were two seamen. the Quarter master. the Second Officer and Myself at the helm at the time of the Collision.

To the Court

To the Court. No one was on the poop but the above people at the time of the Collision — the ship passed just clear of us after the Collision I heard no cries from the other ship. My duty on the Quarter deck. was to assist the 2nd Officer. dont Know why the Captain ordered me to remain on the bridge. My station going in and out of harbour. is on the bridge I did not hear the Pilot hail the other Vessel. I heard our gong sounded several times on the forecastle. I could not say how many times it was sounded. as I could not hear distinctly aft. after the gong was sounded the ~~Vessel~~ Helm was ordered to port and after it was ported it was steadied.

Signed Talbot. E. Stoker
4th Officer

Adjourned till 9 A M on Monday
— Accd —.

4th Day

Monday 31st January 1870 at 9 a.m.

Aubrey Hamerton sworn states. I am 3rd Officer of the "Bombay". I was on board on the 24th January I know that a Collision took place between the "Bombay" and another Vessel at the time of the Collision. I was on the main deck by the after hatch - I had finished getting out the mails and was then standing there. I was not a witness to the Collision. I went on deck two minutes after the Collision had occurred I was not aware that there was another Vessel in sight before I went below. The Collision occasioned a slight Quiver to our ship - I heard the sound of Crash below. when I went on deck. I saw the other ship on Starboard quarter, she was about a Ship length off - I noticed she was a barque rigged steamer under sail - I saw the funnel only. I saw her hull. the stern was towards us and her Starboard quarter - I noticed nothing particular about her. but I saw some broken

broken wood between her and our selves - I took no notice of any damage to her. I couldnt say how long she was in sight - while I looked at her I could see her distinctly I did not notice a hole in her stern I cant say for certain what I saw but I think it was the starboard Quarter and the Stern. I did not see her Screw - I saw some lights issueing from her stern but couldnt say what they were - I couldnt say whether they appeared to me to issue from a breach in the ship - I didnt take very much notice the light did not disclose to me - any part of the interior of the ship. I was standing at the bottom of the rope Ladder on the starboard side of the "Bombay" - there were two or three people near me but I didnt notice who they were - I couldnt say whether any of them were passengers or not. - I did not turn rounds and speak to them - I did not watch the other ship out of sight I could not see accurately W Lott

signing

injury the other ship had sustained
I could not see that she had
sustained any injury - I saw no
breach about her of any kind
when I first saw her - there must
have been a ships length between
us - I didnt hear a steam whistle
I heard no cries - nor a hail from her
I had no watch till 8 o'clock that night
I was not on deck when a Officer
came from a man of war to request
the Captain to get away: I did not
hear the other ship hailed from our
ship -

To. Mr. de Long - I heard no guns nor
did I see the flash of any - I meant
the main deck below.

To the Court. I meant the main
deck below the spar deck on a level
with the engine room - the next
deck to the upper deck we fired
a gun two rockets and lighted a
Blue light just after passing the
light ship - I did not hear the
report of a gun - previous to our
firing I heard no guns fired after
we

we had fired. I left the ship immediately we had anchored and went on shore with the mails. I did not report the Collision on shore. I only saw the Post master - not the Agent. I went to the P.O. Office and saw some one. I dont Know who it was I heard of the Collision from other people when I landed on shore I have never been here before

(Signed) Aubrey Hamerton
3rd Officer

Edward Newman sworn states
I am Steward in charge of the "Bombay"
I remember a Collision taking place between the "Bombay" and another ship - I was in my Cabin below at the time of the Collision. I didn't remain there - directly I felt the shock I went on deck - I thought we had gone ashore. or something never having felt any thing of the sort before I saw the other Vessel when I ran on deck - I couldn't say what she looked like

a.s.

as I didn't see her distinctly
she was abaft the bridge. I ran up
the fore companion ladder. I went
on shore to the P.O. office after
anchoring. I reported a message to
Mr. Dalziel from the Captain to the
effect that we had been in a collision
and we had been not much hurt.
I did not report the name of the other
vessel, I did not know it. I did not
make a statement while on shore that
we had injured the other vessel and
that you could drive a coach and
four into the other vessel. I could not
see much of the other vessel. I saw a
light in her stern. but could not
see what it was. I went down below
again immediately the third officer
and I went on shore in the same
boat

+E. To Mr de Long. the Captain did send
a message by me to the Agents to
report the Collision. He told me to
take his Compliments to the Agents
and say we had been in
collision but he thought we were
very little hurt. I believe that is
just

just the message I did deliver
I dont think I told Mr. Dalziel any
thing about the other Vessel but I
Cannot remember. I went to the Inter-
-national Hotel that evening. I think
I did state in the International
Hotel that we had had a Collision
I dont remember another Gentleman
asking me if we had stopped to ell
what injury the other Vessel had sustained
I dont know that I know Captain Hilt
of the Steamer "City of Yedo" - if any
one asked me whether we had
stopped to inquire into the injury
done to the other Vessel - I must have
answered "Yes" - some one did ask
me why we didnt stop - and think
I replied that I didnt know - it
was best known to the Captain why
we didnt stop. I might have said
in reply to that question "Yes there
was the mistake - I may also have
said we were making water our
- selves - I did not state that the "Bombay"
bow went into the other vessel - I did not
say that I could see some of the officers
removing a man who had been
hurt

hurt by the Collision. I was not in the Yokohama Hotel that evening I did not say at any time that evening we have smashed a hole in another vessel - large enough for a Coach to be run into - I did not say that I Could see them. through the hole in the other vessel - carrying the wounded away - I dont remember that I said that any body else had said so I heard somthing of the kind on board the Bombay on the way up - but not about carrying a dead body away - the Carpenter said he had seen somebody lifted away from what he supposed to be the table in the saloon of the other vessel - I did not repeat what the Carpenter had said not that night I think - I did say that I thought the other vessel would follow us in as I thought I saw her mast head light following us but I didnt say she would either be in that night - or at the bottom I thought I saw her mast head light following us from the forecastle when

I came

I came up from below - I came just to the brake of the forecastle and looked over the bulwarks. the other vessel was just abreast of the bridge and I should say about half a ship's length off from where I was standing - when I last looked and I saw only a light not a ship I was not two minutes on Deck the first time I came up. I ran down as I feared the top mast might fall or something I didn't know what might come down - I did not see any break in the other vessel. I saw a light but I did not know whether it was a port or a gun port. or what - I thought it was a large port but had not much time to look I did see through that light but I saw no person or persons behind the lights I did not see any table I swear that I saw nothing to evidence that the other vessel was damaged I did not hear her whistle blow I heard no shout from the other -

other Vessel - I did not hear the report of any gun - I did not see the flash from any gun I have not stated to any one - in Yokohama that I saw the flash of any gun. I have been asked the question and answered No. after I had gone below I suppose it was from seven to ten minutes before I came on deck again - when I came on deck I saw what I thought was the mast head light of the other Vessel. it might have been a mile or a mile and a half off but I cannot tell.

Qst. To Mr Barnard. I have never been a sailor always a steward I know there was a light house - I can't say if the light I saw came from the light house I went on shore about a quarter to eight I think - I got back again about 11 p.m. I didn't return immediately as I had to wait for the Officer with whom I had come ashore I went to the Post Office with the 3rd Officer I was

Waiting

waiting at the Post office about twenty
minutes or half an hour - we were
waiting some time on the Bund
to get carts to take the mail away
I was about fifteen minutes at the
Hotel and had one Glass of Brandy
and water - I should think I was quite
sober when I arrived on board the
"Bombay" - I swear I was not half
tight. I went on board to report
a message from Mr Dalgiel to the
Chief Officer I told the Chief Officer
that Mr Dalgiel wanted the Captain
to take the Ship to the French buoy
the first thing in the morning - I am
possessed of no nautical knowledge
To the Court - My Cabin is on the
lower deck forward - I mean
the main deck it is on the starboard
side it has a port. I cannot look
out of that Port was obliged to keep
it closed all night. saw nothing
through that Port. I was in my
Cabin at the time of the Collision
I felt a shock. and thought we
had

had gone on shore - that's why I ran on deck. I then went up the fore companion that is before the bridge just at the break of the forecastle. I could not hear anything that was said on the bridge as I went up the Companion I could hear no cry, nor hail nor could I hear a steam whistle going the light I saw after coming on deck the second time was right astern No one was standing by me when I saw the other vessel the first time - the Carpenter and gunner were on the forecastle when I went up there the Carpenter said he had seen some one lifted away from a table inside where the light was he said he thought she was hard struck or words to that effect we had not passed the light ship when the Carpenter made those remarks to me - the Carpenter's name is Murray - don't remember how the conversation with the Carpenter commenced I did not report that Conversation to the

to the Captain or to any Officer I did not report it at the P.T.O office on shore. at the time I went on deck the second time I dont know if our Engines were going or not. soon after this I received orders from the Chief Officer to go down below to the store room I went to the store room. the water was running into the store room fast I didnt see the well sounded. the water was coming in at the bows. a good body of water was coming in as large as the stream from a fire engine hose. the Carpenter said he thought he saw some one being removed from a table or something I dont remember having mentioned anything about this Conversation at the Admiralty - National or at any other place. I looked over the Starboard bulk heads I dont know what distance the two Vessels were apart when I went on deck the first time it took me about two seconds to run on deck. my Cabin is about

seven

Seven or eight yards from the ladder

(Signed) E Newman
Steward in charge

John Murray Sworn States. I am Carpenter of the Steam Ship "Bombay" I was walking on the forward part of the upper deck. just before the Collision take place - I suppose I could see a Mile or two: off it was blowing pretty freah. I heard an order given - to Port or Starboard the Helm. I dont Know which. I felt a very slight shock - after the Collision I was ordered to go and sound the well. I reported to the Chief Officer that there were three inches of water in the second Compartment. I didnt at the time report - what water was in the forward Compartment as it was used as a store room and locked up. I did examine the fore compartment afterwards when we got there I heard the water coming in but could not see it for stores. it may have been

five or eight Minutes after the Collision that I examined the fore Compartment when I examined the fore Compartment the deck was overflooded - with water but the lower Compartment was not filled then I paid no attention to whether the engines were going then I know the Engines had been stopped but I cannot say for how long they were stopped the stores were removed from the foo Com- partment when we found the water was Coming in - I Could say with what force the water was coming in - the fore Compartment was lined with wood. one and three Quarter inches or two inches thick we cut away the wood to see if there was any leak besides the one we had found and we had discovered one leak about two feet under the water line. one of the plates was split - the crack was ten inches to a foot in length I put some wedges into the crack but they were forced out by the ship going through the water there.

was nothing in the hold before I attempted to wedge it up the thickness of the plate which was cracked was about 5/16ths of an inch - I was not on deck after this only when the ship stopped I was busily employed below - There is only one Carpenter on board the ship - at the time of the Collision I was a little abaft the bridge on the starboard side opposite to the Engine room - one of the stewards was there but I cant say whether he stopped there this was the bed room Steward I was not standing looking at the Ship with the Chief Steward at the time of the Collision - immediately after the Collision - I saw a ship under sail - then I saw her steer alongside of us - and go past us I saw her propeller and it was going round but I dont know whether astern or ahead - I saw damage had been done to the other Ship - but I could not tell to what extent she appeared to be damaged about the Starboard

Quarter

quarter - She was damaged above
the water line but I cant say
whether she was damaged under
the water line - I saw two men
lift another Man and hand him
away. I had some conversation
about this on the forecastle
afterwards just for a minute
I did not report the circumstance
to the Captain or to any officer
it was immediately after that
I was called by the Chief Officer
to go below after that I remained
below to the ship was off the Light
ship the Chief Officer went below
with me part of the time - I dont
recollect that I said anything
to the Chief Officer of what I had
seen - when abreast of the light
ship there were over nine feet
of water in the fore compartment
I Considered she was making head
fast we had bucket under weigh
at time - the check valve was up
but choked up after the Collision
I generall oil the check valve
once a week and some
times

times twice a week the second
bleed valve had been worked two
days before the collision I had never
worked the first

Q. To Wt. de Long. I could give no idea
of what time elapsed between the
collision and the time I got the store
room door opened, I think the ship was
under weigh at the time but I really
cannot say., when I got into the first
compartment we could not sound
the wells as it was full of stores,
we couldn't sound the foremost
compartment till about 8. or 10 minutes
after the collision, but I am guessing
that - when one first sounded - I think
there were about five feet of water
in the first compartment - that
had increased to about 9 feet when
we got up to the light ship - and we were
bailing the ship out all the time - when
abreast of the light ship the water
in the second compartment had
increased to about 18 inches - This
water in the second compartment
came from the first compartment
I think - The sluice was up at the
time and the sluice communicates
between the two compartments -
The width of the ~~two~~ ~~Compartments~~
track. below the
water

below the water line may have been
about 1/8 of an inch or more -
before we reached the light ship
We had no pumps a going - I dont think
there was any water comming through
the hole where the plank went through
the stem, there was a plank through
the stem, It is not now. I examined
it before it was taken out, the
diameter of this plank was 12 to 14
inches, I came from the port side
the hole which it made a sort of
oblong - It passed through an iron
plate. on the port side then through
a part of the main deck waterways
and through the plate on the other side -
and burst it so that we could see
a part of the end of it from outside
on the starboard bow - the thickness
of the plates is about 5/16 of an inch -
this spar may have penetrated say two
or three inches of wood. the waterways
connects abaft the stem; the timbers
penetrated abaft the stem, I was about
six feet from the ships rail on the
starboard side when the ships
struck - I heard a person on
board the other ship. just after the

Collision

Collision. sing out. either ship, ahoy or steamer ahoy - that's all I heard. and an officer from the "Bombay" answer - did not hear any reply to the "Bombay" answering hail I did not hear her steam whistle & I did not hear any gun fire. I did not see the flash of any gun, I did see a break made into the "Oneida" by the "Bombay". as far I think it was a little abaft the Mizen mast near her Starboard quarter - when she struck. I couldn't see if the other vessel had a wheel house. but I saw a part fall other to one side, but I could not say what it was, I saw something that the "Bombay" had knock away go over towards the Port side it was on the deck, I cant say if it fell over board or not, it looked like a wheel house. or something of that sort. I saw at this point a light, I saw three men, I saw two men handing one man towards the fore part of the ship I saw no more persons, I saw a light through this hole which appeared to me to fall on a table, I didn't see anything on the table, as if there was a meal spread or any thing of that kind I saw the three men on one of the decks

decks. if she had a poop deck they must have been on the spar deck.

thus

the third man was being supported along by a man on either side of him, I could see a lamp. but whether it was hanging above or on the table I cant say. I saw that lamp I think through the hole which had been made by the Collision, I did not see the wheel of the Vessel, I saw what I thought to be a table but no other furniture the light and the table was on the same deck, I on I saw the man being supported, I was about 20 feet abaft the bridge of the "Bountay" when I saw this. I dont know if any one else saw it. there was a party looking over the side with me but I cannot say whether he saw it or not that person was one of the Stewards I think his name is Smith, no one else was standing by me or near me. I am quite sure that I made no mention of this to the first officer. I made no mention of it to him, I mentioned it to the Chief steward who was standing one of a group on the spar deck, I know there three or four in a group there but I couldn't say whether the

Second

class passenger was there or not. I did not go on Shore that night after anchoring - the leak I referred to was on the port side of the ship, I found a gaff and part of a sail, and a spanker boom hanging over the side belonging to the other vessel - I didnt see any boat on the ship.

Re X- To Mr Barnard. I did not report what I had seen to the Captain or any officer, it was not my duty to do I wasnt on the Spar deck more than 3 or four seconds, the remarks were made. after sounding the second Compartment and before sounding the first before we got to the light ship I dont know if the Engine room pumps were going before the water rose to an height of 18 inches in the second compartment

To the Court - from two to 3 inches is the usual amount of water in the second compartment, I didnt examine the bulk head in the second Compartment couldnt get at it as it was full of coals after that I came on to the Spar deck - It was then I had the conversation with the Steward - I think the 18 inch in the second Compartment was

pouring

owing in a measure to the sluice valve being open, if I had consider our ship in danger, I should have gone direct to the Captain and reported it, it would have been my duty to have done so. The Chief officer was there when I found the timber through her bows - and he reported it to the Captain - if the Chief officer had been present. I should have reported to him and not to the Captain had I thought the Ship was in danger - the body I saw falling over to port might have been a boat, and it might have been a deck house, as I stood the light from the other ship abreast of me - about 20 or 30 yards from me at that time we were steering off to Port, and her stem and quarter, were nearly abeam of us.

I saw the "Oneida" screw after I had seen the light - I did not see her wheel. Had the wheel been under the poop I could not had seen it - it was to dark to have seen it had it been on the poop her screw was going round when I saw it after the Collision, I did not see any part of the Oneida as it were cut off and floating away - I didn't see any spars or pieces of wreck floating between

the two vessels - I am unable to say on what deck it was I saw the table and the light - whether it was between the poop and the Spar deck, or between the Spar between the Spar deck and the water line - I have described what I saw through the hole, but I cannot give any idea as to the size or shape of the hole I was looking at the hole from a standing position, and saw I should say the whole of the bodies of the three men. I did not think the other vessel was cut down to the waters edge - from what I saw I did not think there was any danger of her sinking - I saw her on our Port bow just a minute before the Collision I didn't see her going after the Collision as she went away past us with all her sails set. I couldn't tell whether she was drifting passed us, or whether she was being steered, I think we took the "Oneida". a little on our Starboard bows, we struck her from her bows and towards her stern, I couldn't see the amount of injury we had done her, as it was dark and I could not see on her deck, I saw the body falling toward the Port side of the ship. before I saw the light, it did not appear to me. that the light issued

from

where this body was moved - I was walking. at about 6 feet from the Side of the Bombay at the time of the Collision the shock was so slight that I had hardly felt it, I did not perceive any recoil but just felt a slight shock after the Collision, the vessels were clear of each other at once. I think it was peices of planks of some Kind in the Stem. one peice was pitch pine and the other was peice either pitch or red Pine. it was about 16 inches long. there may have been two or three peice there was some oakum and cotton about it - I saw a 6 or 7 inch spike in it. I didn't see any iron bolts in it. I at no time made any report to the Captain or any officer at any time that the Bombay was in danger. had I thought that the "Oneida" was in danger I should not had thought it my duty to report it - not while all the officers was looking at it - not while all the officers were on duty and could see the Ship as much as I did - I do know of any reason to prevent a person standing on the bridge from seeing every thing as well as I did - I was standing about 8 feet lower than the level of the bridge

I think

I was standing a little thaw the level of the fracture in the other vessel

(Signed) John Murray

Adjourned till 2.30 p.m.

Proceedings resumed

David Rennie sworn States. I am Chief Engineer of the "Bombay". the 2nd Engineer was on duty at the time of the Collision, I remember the Collision I was in the Engine room, the Collision felt to me more like a glide than anything. I was stepping into the Engine room at the time the telegraph bell sounded. the order Conveyed by the bell was stop. the telegraph bell Conveyed no further order. until Go ahead again. I should say about 3 minutes elapsed. from the first order being given till I felt the Collision I cannot say how long the Steamer was stopped as I didn't take the time. the Engines room bilge Pumps are always working. and were working at that time. you could'nt disconnect the pumps if the Engines are going the Pump necessarily be in motion at the same time. the pump might or may not be drawing the water from the compartment

a Compartment of the Ship for a little time - I have no reason to know that the pumps mis drew the water during the time there was 18 inches in the Second Compartment - there are 4 Engine room bilge pumps on board, each of them is about 8 inches in diameter.

7. To Mr. de Long The "Bombay" is divided into compartment - the pumps are connected with the fore hold, main hold, Engine room and Stoke hole - the forward hold is not connected with the pumps the 2nd Compartment were the 18 inches of water were, is connected with the pumps, there are seven bulk heads in the Ship, and seven Compartments - but they dont extend to the main deck. the Compartments are named - the 1st is one right behind that of wood - the fore hold - the Coal bunker - the stoke hole, the Engine room, and the main hold, and the magazine, the pumps are always going, but I dont know if they were pawing water, after the Collision - I Keep an Engineer Log - in that log it is my duty to enter the time at which the Engines are stopped, and at which they go on again, it is noted at about the time, the Engines were stopped on the occasion

12

of the Collision, but the exact time was taken, the second Engineer noted the time, it was noted as soon as his watch had expired, his watch expired at 8 o'clock. the Collision took place between 6. and 6.30. p.m., I think his watch expired after we reached the anchorage, we have a slate in the Engine room, from which the Log is made up - I didn't see the slate but I saw the the book which was made up from the slate. I cannot tell whether the entry in the book corresponded with that on the slate I have not got that record with me, we have a Counter to show the numbe of revolutions, She was making about 26 revolutions equaling ~~8~~ 8 to 8 and a half Knots, before the order to stop was given; received no order to reverse engines; at the moment of the Collision I think we were going perhaps about 6 or 6½ Knots. when the Collision took place. I was putting in the starting bar of the engine, the bar was in at the moment of the shock it had no effect on me at all, did not even stagger me

To. the Court - the Engines were stopped the instant the order was given, had I been ordered to reverse it would have

have taken me. I should say 3 Minutes
I should have been as long as that - as I
should have had to get the me to land
by. they were not ready. had they been ready
it would have taken from 30 seconds
to a minute - I made the log up myself from
the rough book - it was made up on
the night on which we anchored in Yokohama

Signed. David C. Rennie

William Herbert, sworn. states. I am
Gunner on board the steam ship "Bombay"
I was on duty at the time of the Collision
I was on the forecastle, I saw the other ship
when she was about a mile off I think
I saw all her lights, the mast head
and two side lights: she was a little
on our port bow coming towards us
I couldn't at first see whether she was
under sail or steam, but when she
got closer. I saw she was under sail
I couldn't tell she was under steam
before she got clear of us. I saw her
screw working when she was abreast
of our funnel after the Collision had
taken place. the only light I lost sight
of was the sea light, I watched the other
vessel till about one or two minutes
before we struck - I had time to
reach the poop. I went to the poop in
order to get out of the way of the Collision

I knew there was to be one. the Collision was very slight more I was the seaman was the only one on the bows on the look out that I know of; I think he stopped there during the Collision: at the time of the Collision I was on the top of the poop ladder; I saw the other vessel going by us from the top of the poop ladder she passed pretty quickly: I did not see her smoke stack; I saw her sail and I saw her Screw going round - I saw a light on board her: I cant say where the light came from; I cant describe the light; I saw a hole in the Ship's side; it was a breach. I could not tell if it was a large hole: I only saw one person on board the other ship: I dont know if setting or leaning - he appeared to be leaning against a stanchion or something: I couldnt see him distinctly he was dressed in dark clothes; I cant say where he was standing; heard no hail from the "Bombay" nor the other ship. I didnt watch the other vessel for any time. not for 3 minutes before I went forward to the forecastle I could just see her astern of us as I turned round to go to the fore-Castle; when I last saw her - she was not half a ship length astern

of us

ours; I could have seen her hull
further off; than one mile; I heard no gun
and I saw no flash of a gun from the other
ship at any time; I saw signals from
her at any time, if any had been made
I couldn't have seen them as I was over
the bows; I didn't think the other vessel
was very much hurt, I hadn't time to
see whether she was or not when I left
& To Mr de Long. My post is on the forecastle
when coming into harbour My duty is to
assist in looking out and stand by the
anchors; when I first saw the steamer
I think she was about a mile off. I
couldn't say exactly; I saw three lights
first. I saw the mast head - the green
and the reds light - I looked out from
the centre of the forecastle - I could tell
that she was on our Port bow. about
½ a point, I saw her red light shut
out at that time she was perhaps about
four or five ships length ahead ours
I dont remember if the green light
was shut out before the collision; or
not; I went to the stern of the vessel to
avoid the debris; I didn't see the 2nd
and fourth officers and dont know
where they were; I was standing on the
poop Ladder. I had hold of the poop
rail when the collision took place
it was not a strong shock. the Ships
separated

seperated immediately after the
Collision; I couldnt feel any recoil
on our own vessel; it appeared to go
straight on; the other vessel was on
our starboard side; her bows was
bearing off; and she presented her
starboard quarter to us; as she passed
I saw a light through her hull where
the breach was made. I cant say
how large a peice was broken out;
the hole may have been a little larger
than a port. it was larger fore and aft
than it was up, and down; I should
think it looked about 6 or 8 feet long
fore and aft - up and down it may
have been 6 feet - I saw a man —
apparently leaning up against some-
-thing through this hole - I couldnt see
his legs - I saw a light, but I did
not see a lamp from which it came,
I saw a portion of the table. I saw
nothing on that table, I think it looked
red; I saw nothing else the man was
further aft than the table; I dont
know whether the light was over or
at the side of the table; cant say
how far the bottom of the breach
appeared to be above the water. I
didnt see the Wheel; where I was standing
was about 20 feet abaft the bridge;
my position was lower than the
bridge - I was on the main deck

Just-

just about 12 feet abaft the funnel when I saw what I have now described. I stood about the middle of the deck being on my way forward, didn't clear over the bulwarks, the bridge is about 10 feet higher than the deck on which I was standing the ship was right abeam of us; as I stood looking at her; the life boat of the "Bombay" just abreast of me; I saw under the life Boat; there was nothing but the life boat between me and the bridge; I dont know of any reason why a person standing on the bridge couldn't have seen the same thing as I did; I saw only one man there, I saw no one else on the vessel at all. I saw nothing knocked over or broken off the other vessel; I didn't see if she had a Smoke stack or not; I did not see them clew up sail when she was abreast or nearly abeam of our quarter I heard an order given. I heard an order given calling all hands to shorten sail; soon afterwards I lost sight of her, I went forward and over the bows to see what our own damage was; I saw a Gaff. Lying fore and aft of the bowsprit a Mizen boom hanging up and down. leaning against the flukes of our anchor and the sail hanging over our top mast stay. I found our bobstay gone. I saw the figure head was all gone

and the

E. 9.

and the Stem; but I couldnt see low down as it was so dark. I saw the Spar in our Stem before we were anchored but I cant say at what time I saw it— I didnt think the other Vessel was seriously injured because I thought her upper works I did not report to any one on board that I heard the order to shorten sail I didnt tell any one about the hole in the side of the ship, nor that I had seen the Table and the man I saw on Man's body but not his legs; he seemed to be still but I could not see whether he was in uniform or not; I cant say whether the place I saw appeared like a cabin; it appeared to be in the upper part of her, it might have been a poop saloon, and it appeared to me as the man was about the Table. say three or four feet back; I didnt notice if the man had his hat on or not; I never mentioned to any one, what I saw I was employed all the time and to busy to speak to any one and no one else spoke to me

were gone.

P.S. To Mr Barnard - I didnt notice whether

whether

there was a poop on the other vessel.
I know the light came from a broken
place, I cant be certain whether that
broken place was above or below the
Spar deck - there is a screen on either
side of the bridge of the "Bombay" - to keep
the side lights out of the Officers eyes
I should think the top of the screen
extend close on five feet above the
bridge you can see the lights from the
bridge - you cant see over the lights
the board is as high as a mans
head standing by it and would
obstruct the view directly ahead of
it - I could look abaft it; and I dont
think my view would be obstructed
by the light. but I cannot say. the
lifeboat is hoisted about 5 feet
above the deck the keel would be
say 68 inches above the rail - I was
never on the bridge when the side
lights where burning, I saw only
one light on the other ship - I saw no
signals and heard no guns - I occupy
the same berth as the Carpenter but I dont
believe I mentioned anything that I
had seen to him. the Carpenter said
nothing to me about what he had seen

To the Court. looking under the boat
I could.

could have seen. the taffrail of the other ship. the side lights were on the fore corner of the bridge the light screens are about two feet wide.

Signed / William Herbert

David Derrell Sworn state. I am Quarter master of the "Bombay". My duty is to leave the lead, a little before the Collision I was waiting ready to leave the lead. I did not see the other vessel while so waiting. I did not see the other Vessel before the Collision I heard the gong strike. I should think 3 or 4 times. I was about a Medeships when the Collision took place. I then ran forward just to the break of the forecastle. when I got there I saw a Vessell under sail. clear of us on our Starboard bow. I then ran aft to assist the man at the wheel after I got aft. I heard some on board the other Vessel sing out. Steamer Ahoy. the second Officer answered Halloo. we got no answer back. then the second and fourth Officers both sung out. upwards of ½ dozen times the second leaned over the Port Quarter listening for a reply. I was standing

standing on the Starboard quarter
we heard no reply whatever. after
the collision we could see the hull of
other vessel but not distinctly, she must
have been half a Ship's length off
and was passing us very quickly
at the time I did not notice that she
was damaged, I didn't see a hole in
her. I saw a light which I supposed to
be her binnacle light, it was shining
aft toward her taffrail. The light did
not show me any thing

To Mr. Barnard. - I didn't the flash of a
Gun, or hear a report of a gun from
another vessel. I was watching towards
towards the vessel for about a quarter
of an hour after the collision. in order that
I might see a signal if any were
made but I saw none - I couldn't see
if she had any boats or not - I saw
she was a Steamer after she had passed
us - I saw white water as if the
screw was revolving. - did not see her
Clew up her sails - but her crew and
on board sing out to shorten sail.
that was as she passed us - I didn't
answer their hail. but the 2nd and 4th
and the quarter Master did

To Mr de Lang - I heard Steamers whop
whistle from the other vessel. - the cries
were.

were were called twice one after another - The Quarter master. "Hallo" the 2nd officer also called "Hallo" the answer was given about a dozen times ~~was~~ but no reply came to any of our answer - The second class passenger was standing by me when the collision occurred. it seem to me - that the vessel had grazed along the shore - It didnt make me stagger or step forward or any thing - when I saw her hull after colliding - I was at the head of the forecastle. and the other vessel was a half Ship's length from us. I ran forward to see what the other vessel was - I wanted to see what was to been - I wasnt there 3 minits when I saw the other vessel going aft - I went aft to assist at the wheel - I did not see any person on board - The binnacle light I saw was aft on her stern - I looked at her from our stern - I could see her masthead light for sometime at least - I thought it was her masthead light - as I saw the glimmer on the sails - I judged it was a binnacle light as I thought

thought would be the place for a
binnacle light - I could see the
binnacle light some distance
astern

(Signed) David Derrick

Adjourned to 9 a.m. tomorrow

No. 1.

5th day

Proceedings resumed 9 am 17 February 1875

James Keith Angus. Sworn. States. I was a passenger on board the S.S "Bombay" at the time of the collision between her and another vessel on the 24th January - I was standing at the foot of the poop ladder - with the Chief Engineer on the port side of the ship between 6 and 7 P.M. - The Chief Engineer made a remark that there was a Steamer coming down - shortly after he said where's the steamer - there'll be a smash or words to that effect. looking forward I saw some dark object straight ahead of us - and I clung hold of the rail of the poop steps - immediately after that a crash came, a very slight Crash indeed - I ran across towards the starboard side and I had'nt got quite to the other side when a ship passed very quickly - nearly immediately after that I went upon the poop and went to the stern close to the wheel to see if there was any signal made from her and to gratify my curiosity - I saw nothing more of the ship and I saw no signals -

Jno. W. Barnard

To W. F Barnard - I should say that if any one on board had heard or seen signals I could have. I noticed the vessel as she was passing. I really could not say how distant - she was from us while passing. She wasn't very far off - I think I watched her intently - I did [redacted] see a slight breakage at least it appeared to me to be so, as if something had carried away - She appeared to me to look like the English Screw Boat "Dove" which has a poop - the slight breakage I saw was at the top of this poop - I noticed no object such as a man or men at this breakage - I saw no portion of the debris in the water - I could not tell whether the breakage was of a boat or of the poop - I saw the glare of light - but I could not see a distinct light - I didn't think what the light was - it might have been the flashing of a port or any other light - I heard Steamer "ahoy" called from the other ship - I cant say if this was answered - I didn't hear any answer - After the Collision I remain nearly five minutes at the stern - I could not see the vessel at the end of that time - the Commander was on the bridge with the Pilot and Chief Officer at the time Collision

Collision - She was under Sail and
Steam - I saw the Sails - and I saw
the propeller moving

X. To Mr de Long - I came on shore shortly
after the ship anchored - I was in the
boat with the Pilot - I did not remark
to the Pilot that I thought we should
have remained by that ship - Mr Watson
was in the boat with me - I didn't take
notice that he made such a remark
I went to My house at 10 4 directly I
had landed - I have talked about the
Collision since I arrived at Yokohama
I have never stated any thing further than
than I have now said - I couldn't say
whether the light appeared to emanate
from the breach - the light did not
appear to come from any particular
place, it passed so quickly - I couldn't
describe the size of the breach I saw
in the other Ship - The Vessel passed so
quickly - Certainly it did not look to
be as large as a Ships boat - it —
appeared to me to be on the top of the
poop. I only heard "Steamer Ahoy"
Called once - I heard no other voice
from the other Vessel - I did not hear
her Steam whistle go - I heard no
report of a gun and saw no flash
I heard "Steamer Ahoy" Called before

I went

I went on to the poop - when I ran across to the Starboard side - the vessel just past at that moment - when I commenced to ascend the poop steps - I should say the vessel must have been at our Stern - when I looked over the ~~stern~~ side - the other vessel had nearly but not quite passed the point where I was standing - I ran directly from the side of the ship up the poop ladder, and to the Stern -

Re X. To W. Barnard. In going up the poop ladder I should probably take hold of the railing at any time. as the ladder is steep - the shock was not strong enough to have thrown me down - and I do not think that it would have staggered me - even though I had not been holding on to anything.

To the Court. I dont think I saw the hull of the other vessel before I got actually to the starboard side - but I saw her sails. I may have stood a minute or a minute and a half - before going up the poop steps. I did not think that the other vessel had sustained any serious injury - The impression left on my mind after what I saw - was that we had merely grazed her and knocked in her bul marks or something of that kind the breach did not appear to me to be

2. to be like a large hole in the Ships side which would endanger her safty - I saw the 2nd and 4th. officers on the poop. I Cannot say exactly when I first noticed them - but when I did they were standing near the forward Compass - I know Captain Eyre - and ~~know~~ know him to be a kind and humane man - I heard the result of the Collision next morning I think - I was very much surprised when I heard that she had gone down

(Signed) J. Keith Angus.

Samuel Denton sworn states. I am a Quarter Master on board the "Bombay" at the time of the Collision I was on watch at the wheel. Before the Collision I heard the gong of the Engine room sound I think this was between 2 & 3 minutes before the Collision, I was in charge of the wheel, before the Collision I got an order to alter the helm this order was before I heard the engine room gong perhaps a minutes or two before - the order to me was hard a port. - I kept it hard a port at little over 3 minutes - perhaps 4 minutes. there was no order to steady the helm after the order to port - the helm was put from hard a port to hard a starboard without steadying - we have a telegraph Lamp to tell us how to steer - the first order given by the telegraph was hard a port

hard a port. and I kept the helm hard
a port till the order came hard a starboard
when I put it hard a starboard. This was
immediately preceeding the Collision.
I had only an order to port the helm
I could only hear the gong strike once
The order to port the helm was spoken and
Telegraphed at the same time. There was no order
given to steady the helm after I had ported
it nor was there a second order to port the helm
I kept the helm hard a port until the order
was given to hard a starboard at the
time the Collision took place. I had been on
watch from 4 O'clock. I cant say whether
I had received an order to port the helm.
a little before the order was given which
I have referred to or not. The night was
dark. I could just distinguish a man
from one side of the vessel to the other
To. Mr. Delany about 3 minutes before the
Collision. I heard the Engine gong strike
and could tell by the vibration that the
Engines were stopped. It was before I
heard the bell that I got the order to port
the helm. it was perhaps a minute or
a minute and a half before. perhaps it
was two minutes and a half after I heard
the bell that I got the order to hard a
starboard. I immediately obeyed the
order. It took half a minutes about to
change the helm from hard a port to
hard a

hard a starboard so that the vessel could feel it - it was about 3 minutes after I heard the Engine room bells that the vessels came together - ~~I could not~~ I could not say what course we were steering - when I got the order to port or how the wheel was. I know it was not hard a port or hard a Starboard I only saw the mast head light before the Collision - I should think it was about 4 or 5 minutes before the Collision that I saw the mast head light - it bore on the port side - I saw it for 3 or 4 seconds. and then I didn't see it anymore The helm was steady when I first saw the light - it remained steady until A order received the hard a port - I didn't feel the shock of the Collision much - didn't feel anything of it - I couldn't hear much crashing as I was right aft - I heard "Steamer ahoy" sung out from the other vessel twice - one after the other. These shouts were after the vessel got astern. I answered the hail - I said "Hallo". the hail was said twice before I could give any answer - the 2nd & 4th Officers also answered - I did not hear the Steam whistle of the other vessel - I heard no guns from the other Vessel - didn't see the flash of any guns - I heard an order

to -

shorten sail given on the other vessel but no other order, I didn't see anything done in obedience to that order. I didn't see any person on board the other ship. I didn't observe anything particular on the other ship - I saw a boat or part of a boat - but I couldn't distinguish what it was - I mean by a part - a broken portion of a boat - this was either on the poop or hanging to the Davits on the vessels side I cant say I saw anything like a breach in the poop or side of the other vessel - I saw a light that came through a port or something it appeared to me to be a square port about 18 inches or it might have been more each way - I saw no other light than that one. I couldn't look through that light and didn't see into the vessel

Re D To Mr Barnard. I did not report that I had heard the order to shorten sail we answered the call in a loud tone of voice - and the wind was with my voice

To the Court My duty at the wheel is to see that the vessel is steered straight it is my duty to see that the ship is kept on her course when an order is given to steady I look at the compass to see how her

how her head is. I couldnt tell what Course we were steering 10 Minutes before the Collision. I think it was some where from N. to N.W.W. I dont know how her head was when she struck the Vessel

(Signed) Samuel Denton

John Wilkinson Sworn. States I am 2nd Engineer of the Bombay. I was on Watch in the Engine room at the time of Collision. I stopped the Engine - this was a Minute or a Minutes and a half before I felt the Collision - the next order after that was go ahead easy - as near as I could judge - perhaps 4 or 5 Minutes elapsed between these two orders - I keep a log book there is a slate in the engine room for incidents of the watch. a rough log is made up from the slate - and this again recopied into the Chief Engineers log. I made those entries on the slate about ten minutes after stopping ~~after stopping~~ it may have been a little longer after it was about 8 O'clock that evening that I made the entries in the rough log the Collision was light. I didnt know it

it was a collision until we stopped
it took about half a minute to stop the
Engine the Chief Engineer came into the
Engine room just as I was stopping
the Engines the Engine bilge pumps
are always at work
To Mr Dexter I have brought through
Log with me - this is it - (produced)
Extract

about { Stop. 6.15
about { Easy ahead. 6.19
Full speed. 6.21

I suppose 8 knots before
the Collision. the Collision occurred about ½ a minute
after we had stopped - I cannot
judge well of the speed of the vessel
I should say that one minute after
the engines are stopped the speed of
the Ship would be reduced by one
half - I was present when the above
entry was made in that book - but
I didn't do it myself - the fourth Engineer
made it. - those two words "about" were
entered at the same time and by the
same person I believe - I should think that
a vessel going at 8 Knots would be
almost stopped four Minutes after
her

her Engines were stopped -
To the Court - there is a clock in the Engine room - it is at my back as I stand to alter the Engines - I felt a light shock at the time of the Collision and I felt a rebound of our Vessel, it was after the ship was under weigh going full speed ahead - that I entered the above extract on the slate - the time there on noted is to the best of my judgment. but I did not look at the clock at receiving the orders to stop or easy ahead - or full speed - I should say that I made the entries on the slate about five Minutes after the order full speed was given - and this must have been at about ½ past 6 o'clock - generally an order to stand by is given before an order to alter the Engines is received - in this instance there was no order to stand by

(Signed) John Wilkinson

Robert Smith Steward of the Bombay sworn states I am bed room Steward of the Bombay - I and the Carpenter was pacing the deck forward on the port side just before the Collision - I saw the sails of the

the other Vessel. I dont know when the Collision took place - I dont remember feeling it all. the Carpenter said there was a Collision and I ran aft that I might not get hurt - I went into the Saloon almost immediately after leaveing the breach of the poop - I saw a light on the other ship - or a square place for the light - before entering the Saloon - didnt notice any other light could see the smoke from her funnil I have no idea how far she was off when I saw her, - I saw the foam of the water astern as if her screw was going. I saw no signals from the other vessel - I heard some one sing out "Hallo" on board our ship - I couldnt see what had happened on board the other vessel - I couldnt distinguish any thing to speak of on board the other vessel. I was standing alongside the Carpenter. the Carpenter and I both ran aft together - I dont know if the Carpenter was called away - or if he was standing on the deck when I went below - I dont remember speaking to the Carpenter; there was only one first class Gentleman Passenger

E. L.

Passengers.

To Be Long There was one Second Class passenger - I believe his name is Watson - I am not certain if I saw a table in the other ship - I dont know if I did - I couldnt say what I saw exactly on board the other vessel - I didnt see a lamp but I saw a light. I have no idea what size the place from which the light issued appeared to be - I have seen our own Ships with gangway ports. I didnt know but what this might have been a gangway Port - I cant tell if I thought it was a Gangway Port or not - all I can say is that it was a light - I should think that what I saw such as a table or something must have been between decks - I cant tell whether I saw what I thought to be a table with a cloth on it or not I didnt notice if I saw a chair I didnt see a chair nor nothing I fancy I saw two or ~~three~~ men where I saw the light - or rather part of men - Men standing up - I didnt notice what they were doing - I saw something like wood

in

in the water - but I dont know what
it was.- whether it was a boat or
not I cant say. - at the time I saw the
light I was standing at the break of
the poop - I have no idea how far this
is abaft the bridge - I dont know whether
I or the Carpenter left the place first
I heard no shout from the other ship
I didnt hear her steam whistle go.
I heard no gun saw no flash as from
any gun - I only heard "Hallo" sung
out once before I went into the saloon
I did not report what I had seen
to any of the officers of the ship

Signed R Smith

Adjourned till one p.m.

Proceeding resumed at 1. p.m.

Aubrey Hamerton 3rd. officer recalled
sworn states

To Mr. De Long - I came ashore with
the mail - I went into a Hotel while
ashore with the Chief steward I
dont know Mr. Curtis - or Mr. Hills
I did not give an account of this
collision in the Hotel - I was asked
about it - but said I didnt know

A.

I didnt hear the Steward say anything about it - I did not make a statement that we had run into any vessel - one Gentleman did ask me. if we had stopped to see what damage had been done to the other Vessel - I believe my answer was that we had stopped but nothing cole - I dont remember being asked why we hadnt enquired into the damage sustained by the other vessel I did say "there was the mistake" or words to that effect I did not say that the "Bombay's bows went into the "Oneida" - and that I could see some of the Officers removing a man hurt by the Collision as I supposed but that we did not stop but made the best of our way to Johannes roads - I did not use any language to that effect all I said was that it was a mistake

To the Court - I did not say to the Captain or any of the Other Officers at any time that it was a mistake not to have stopped - it was to a question that was asked me that

that I replied "there was the mistake"
it was a Casual answer that I gave
and the fact of it having been a mistake
not to have waited did not strike me
until the question had been asked
me - I think the question asked me
was - why did you not stop by the ship
I couldn't say if the answer was
made in reply to a question which was
put in a manner to make me think
that my interrogater was finding fault
with me - I did not in that hotel give
an account of the circumstance of
the collision - I dont know who the
person who asked me the question was
I was about 3. to 5 minutes at the
Hotel

Signed Aubrey Hamerton

Alfred T. Watson. sworn. states
I was on board the Bombay on the
evening of the 24th Instant a collision
took place on that day. I dont know
at what time - I did not witness
that collision I was not on deck
but on the main deck at the time
of the Collision I didn't know there had
been a Collision I felt a slight
shock

shock which made me think we had struck on a sand bank after feeling the shock I ran on to the poop - I saw from the poop a Vessel passing us very rapidly - she was quite close to us - when I saw her she had all her sails set - and her screw was revolving very Rapidly - I could see that a plank I suppose you call it the quarter near the rudder, was cut away the only thing I saw at all was what I thought to be a bobble I immediately ran aboft the wheel - to see what would become of her - and suddenly I thought I saw her mast head light as if she was turning back again - to come into Harbour - I then ran forward - and said - Oh she is Coming up behind - that is all I have to say - I cant say where what I thought to be a bobble was it was not on the upper deck it appear to be in the interior of the Vessel - in order to have seen it I must have looked through a hole in the vessel of some kind or other I did not pay particular notice

to that

to that hole it was so sudden one
couldnt do so. It did not occur to me
that the hole was an unusually
large one. I did not notice the shape
of the hole - it was a hole that I saw
I saw the rays as I thought I did not
notice the top of the table - I did not see
any person or figure of a man
near the table - I could not distinguish
that any part of the ship was broken
the hole which I saw was a breach
in the vessels side. I cannot give any
idea of how large it was I watched
the vessel out of sight I heard no
gun - I saw no flash of a gun. I saw
no rocket go up. nor a blue light
burned. had any signal been made
I think I could have seen it - from
the position where I was - when I
thought I saw the mast head light
I didnt notice any colored lights
I have not been employed at sea
it was through the place which was
cut away - that the light came
I did not notice whether she had
a poop. I didnt see her wheel

d

I saw nothing fall from that ship into the water I saw a few broken splinters in the water I did not notice if she had any boats or not never having been to sea before I thought it strange we didn't stop. I cant say whether I asked any one on board why we hadn't stopped. I didn't ask the Captain why we hadn't stopped nor the Chief nor Second Officer I cant say that I asked any Officer why we had not stopped. We were speaking about the occurrence afterwards on board, and I may have said what I saw. I cant say where it was on board that we were speaking of what had happened. I can recollect who were present. when we were talking the only opinion I passed was that I thought it strange we didn't stop. what I saw did not lead me to believe that she was dangerously damaged I should certainly have thought it my duty at once to go the Captain or some responsible officer and tell.

tell him if I had thought that the
vessel was so seriously damaged that
she must sink - I dont know to whom
I addressed myself when I said
Oh there she is a coming after us
but I dont think any of the Officers were
there -
Q Mr Barnard. I saw the American
Consul a few days ago at U.S. Consulate
I was sent for by the U.S. Consul
no one was present when I saw the Consul
he had sent me a verbal message
I believe the message was sent me - on
Tuesday afternoon - I was out at the
time it came, but was told that my
presence was requested at the U S
Consulate that afternoon. or the first
thing the next morning - I did not see the
U. S. Consul. till Wednesday morning
the message was requesting my presence
the Consul asked me what I saw - I
told him simply what I said just
now - he asked me why we had not
stopped I said I didn't know - I was
not there three minutes - I was not
Called

6. Called by any Court of inquiry at the U.S. Consulate - the light which I saw coming astern of us may have been from a light house for what I know, I only know that I thought at the time that it was the mast head light of the other vessel.

To Mr. Delong. I came ashore in the Boat with the Pilot and Mr. Angus - I cant say if I said them. that it was wrong not to have stayed by the vessel - I went to the International Hotel that evening I know Mr. Curtis by sight - I said on that evening just what I have said now in fact I turned round to some one and said - well go and have a look at that vessel (Meaning the (Oneida) tomorrow morning she is sure to be in harbour - I did not make a statement to the effect that I had seen a man - through the hole - I did say we had knocked a hole that we could see into. I did not say anything of the sort - that we had knocked a

- here -

her whole stern out of her. I did not hear the Oneida's whistle blow. I heard the Bombay's blow for some few minutes this was previous to the collision I didnt hear it after the collision I did not see any one at all, on board the other vessell - the only thing I heard from the other vessel was "Steamer ahoy" - to which answer was made by two persons I think on board our vessel. but no reply was received. I only heard "Steamer ahoy" called out I cant give any definite idea of the size of the hole in the other ship. I couldnt answer at all as to how large the hole was - it did not appear to me that I saw a portion of the Cabin through that hole I only saw a part of a table and I should think that it was a square table. I did not notice whether there was a cover on it or not. in fact the whole thing occurred so quickly that I could hardly tell you anything definite - I did not see anything on this table - I didnt see any lamps

through

through this hole - I saw no trunks
Chairs or anything of that kind
the sails appeared to me to be filled
as she passed

(Signed) Ch. F. Watson

Robert. B. Clements Lieut of H. M. S. Ojeda
sworn states, I went on board
the Nomtay on the evening of the
24th I boarded the Steamer as Officer
of the guard - I asked to see the
Captain - he came out of his Cabin
I said to him what a long way
out
you have anchored - he asked me
whom he might have the honor of
addressing - I told him who I was -
and that I wanted the senior officers
Orders he said he thought he was
Quite justified in anchoring so
far off - as it was difficult to tell
at what distance the lights were -
he had never been on the coast
of Japan before - and that he was
also in the hands of a Pilot who
had advised him to anchor there
- besides that he had sent the Quarter
Off the Captain Yankee Frigate is
Coming up the bay - I then said
it.

it must have been the "Oneida" - I hope she is not seriously damaged, and is she in want of assistance. he said no he thought not - he had laid to for some time and he saw no signals denoting that she wanted assistance. he added that it was seeing no signals of distress that he had made up his mind to go on and land his passengers and mails he said he thought she wouldn't go on but that she would come back here to repair damages - and that he had got some of her booms and sails on board. and that he must have knocked some of her boats away or something of that sort - I asked him if he was damaged himself he said that he was - and that the ship was making water - but nothing very serious - after that I proposed that I should go into the saloon and wait for the mails - we talked on different things - I had a conversation with the doctor of the Bombay - either the doctor or the captain - I cant say which - said that he

could

7. could the lights in her Cabins - that was all that took place regarding the Collision

To Mr. Barnard - There was a Midshipman called Stephens in the boat with me - I think he went on deck afterwards but he was not present during the conversations. a Lieutenant named Lennenthorpe was on board the Bombay before he but not on duty -

To Mr Delany it was between 8 & 9 p.m. that I boarded the steamer I did not board her the next morning I cant say whether the doctor and captain were both present when Remarks was made - that the Cabin Could be seen into - I don't Know whether it was the Captain or the doctor who said it - one of them Certainly did as they were the only two. to whom I spoke - I will swear that Captain Eyre said to me - I have cut off the quarter of a Yankee Frigate - he said serve her right she crossed my bows. with a starboard helm

I said

I said that it was a curious thing to do - I hope you are reporting - I knew that Mr Leventhorpe had been on board before me - he told me afterward that he had informed Captain Eyre that it must have been the Oneida ~~or Forward~~ with which the Bombay had Collided - Mr Leventhorpe had left the Bombay before I had arrived the Captain did ask me to have a glass of Brandy and water. it was when I got back to my own ship that I saw Mr. Leventhorpe - and learned from him - that he had told Captain Eyre what vessel he had run into Captain Eyre didn't lead me to believe that the Oneida had sustained serious injury - I reported to my Captain that it was a trivial thing

Signed Robt B. Clements

James Leventhorpe sworn. states.
I am a Lieutenant on board H.M.S. "Ocean"
I boarded the Bombay on the night of her arrival almost directly she had anchored

anchored - I wasn't on duty, the mid-
- ship man of the boat was with me - his
name is Henderson - the first officer I
conversed with was the doctor in the
course of conversation he asked me
what steamer had gone out that evening
I told him the only one I knew of was
the American man of war Oneida
he told me they had been in collision
with a steamer and that probably
that was the one - afterwards I saw
Captain Eyre and he described the
collision to me - he told me he saw
lights about ½ a point on his port
bow; that he had ported his helm and
was all clear; then that the other vessel
had evidently put her helm to starboard
and run right across his bows - he also told
me that he had turned on the whistle
and stopped his engines before the
Collision - I think I made the remark
that he would surely put back - he
said yes you will see her before long -
somebody said on board that they
could see right into her saloon
but I am not sure who it was was who
made the remark - I believe Captain
Eyre was present when the remark
was made - several people were there
on deck at the time - Mr Angus was
there

there at the time I know - but it was a dark night and I could not distinguish faces - I cant swear that the Captain heard what passed - no conversation took place about signals - they certainly did not think on board that the "Oneida" had been dangerously injured - they seemed to think on board that it was simply a question of repairs - they did not say anything about any man on board the "Oneida" having been injured - I went down into the saloon with Captain Eyre - I was talking with the Lady Passengers - who told me that the shock was like a slight grazing - like running on a rock easily - the Ladies were Lady Parkes & Miss Binns - Lady Parkes told me she was in the saloon and that when she felt the collision - she had run out - she said she had run outside the saloon - thinking that if they had struck on a rock she would have a better channel for a boat - she did not say anything about having seen the other vessel - the other Lady did not say anything to me - I was talking to Lady Parkes - Captain Eyre told me that he didn't seem to have sustained much damage, because his anchors were hanging as his bows all right - afterwards he told me they had found a —

a spar through the stern - The impression I had was that he had discovered it while I was on board - I didn't hear anything about what quantity of water the "Bombay" had made. Mr Henderson, Meadshipman was present on deck while I was talking to the Captain -

By Mr. De Lony - It was chiefly from the way in which I was told - that I thought the Oneida had not sustained much damage - I didn't go on board again that night - I believe Mr. Fanshaw and Mr. Gough both went on board the next morning

Signed Thomas. H. Leventhorpe

Hugh George. Gough. Sworn States. I am a Sub Lieutenant on board H.M.S. "Ocean" I was officer of the watch when a boat came alongside on the morning of the 25th ultimo. with the Doctor of the "Oneida" - at about a quarter past 5 on that morning. an officer who told me he was the Doctor of the "Oneida" came on board and said that about 9 o'clock the night before the "Oneida" had been run into by a steamer and that he had reason to believe that she had since sunk - He told me that he had got away in a boat with some 16 men, and chased a junk to try and get her

get her to come back to their relief - that he could not catch the junk and turned to go back to the ship but couldn't see her anywhere - he then pulled for the shore and walked to Yokohama - took a native boat and came on board the "Ocean". I reported it to Captain Tinklar who told me to have some other officer called and to send to the "Typhoid" - to get up steam at once - Meantime an Officer Came from the "Oneida" - and told me just what the Oneida's doctor had previously related to me, Captain Tinklar told me to ask him to take me on board the "Bombay", and that I was to request the Captain of the "Bombay" as he was the only ship in the harbour with steam up to go down to where the accident took place - and see what he could do - I went on board and asked for the Captain - when he came out of his Cabin I gave him Captain Tinklar request - he replied I can't. I've got a hole in my bows - I asked him if that was his answer, and he sent for the Chief officer - he asked the Chief officer how much water there was in the hold or Compartment and the officer answer about 9 feet - the Captain then said

said do you hear that - I said yes and that I wanted an answer Yes or no - he then said no I cant. I then went away

To Mr De Long - I did not go from the "Heau" to the Agents house

To Mr Barnard - all I remember. Captain Pope saying is "No I cant" when he heard there were 9 feet of water in the hold

(Signed) Hugh D. Gough.

+

Arthur Dalrimple Fanshawe sworn states I am a Lieutenant of H.M.S. "Heau" I went on board the Bombay at about 20 minutes past seven on the morning of the 25th ultimo. in accordance with orders from my Commanding officer to entreat the Captain of the Bombay to go out at once, to the assistance of the "Ariadne" and to represent to him that he was the only ship in the anchorage with steam up - which message I delivered to the Captain of the Bombay on arriving on board. his reply was. will you tell your Commanding officer that I have 9 feet of water in my foremost compartment and 18 inches in my second. Compartment - and that I should not have gone out had I not received

received a message from my agent - but that now I am getting under weigh to go out immediately - giving me to understand that the reason why he should not have gone out was on account ~~of tearing~~ of his having 9 feet of water - or was on account of his ship not being fit to go - I then left ~~the~~ the Bombay - and noticed, when about a hundred yards from her that she was already under weigh

(Signed) Arthur D. Farnshawe

The answers to the ~~Gentlemen~~ Questions addressed to the Gentlemen who were asked to examine the Bombay were read and marked No. 103

Alfred Steele Perkins sworn states I am the doctor of the Bombay, to my knowledge I have not said that I could see into the saloons of the vessel - into which the Bombay ran - I could not see into the Oneida's saloon - I saw her passing us after the Collision - I merely saw the dark mass of a ship, and the glimmer of a lights as far as I could judge - I saw no person or persons on board the "Oneida" - I saw no portion of her interior - through a hole

No 1

1 To which deck does the foremast Compartment bulkhead lead

2 What is the height of that deck above the keel by the figures on bow and stern

3 Do any of the bulkheads reach up to the upper deck

4 Is there a scuttle in the deck above bow Compartment

5 Is the top of the bow Compartment plated with iron, or a wooden deck

6 what is the height of lower deck above water.

7 Do any of the Compartment bulkheads reach the upper deck.

No 2

By DeLong

Please examine to ascertain the length on each side of the "Bombay" on the outside that the ship shows an abrasion from the Collision, to this arrive if possible at the exact angle the Bombay presented to the Oneida when in contact

2ndly examine any remaining iron or wood work of the stem with a view of seeing to which it may be bent or inclined

3rdly examine the sides and stem of the Bombay to see which side the force of the blow appeared to come from — as for instance where the Bombay is injured mainly is it on the Port or ~~Starboard~~ side: which side mainly

4th what Material and how much in thickness did the Spar or piece of Timber that ran through the bows pass through -

the exact size and character of that Spar or stick that passed through the "Bombay" bows -

Is the forward compartment of the Bombay of such a nature, as to prevent any great danger of the vessel sinking from water coming into it - if none was coming into the ~~food~~ other Compartments

No 3

We the undersigned by request of H.B.M.'s Consul. have this day surveyed the P.to Steamer "Bombay" with the view of answering the following questions –

No 1 14 feet (or Main) Deck
2 14 feet from Kelson
3 No
4 Yes
5 Wooden Deck
6 as well as can judge about 3 feet at the time of Collision
7 No

No 1 We are of opinion that the "Bombay" struck the "Oneida" at an angle from 35° to 40°
2 Inclined to Starboard
3 Port Side
4 Iron plate about 5/16 inch thick – a timber about 12 inches in diameter – consisting of pine and oak
5 Yes as long as the water could be confined to that Compartment

Yokohama
1st Feb 1870

(Signed) Frank Ringement Senior Lieut H.M.S. "Oneida"
" Serge Istomine Second Lieutenant Russian man of war "Bakmik"
" Wm McDonald Surveyor to Lloyds Agent & Local Offices

hole or breach in the Oneida - I only saw a light or glimmering and could not see where it came from

To Mr. DeLong - I have seen Lieut Clements before - I had a conversation with him - but whether on the 24th or 25th I cannot say - I cannot state what I said to him, having no distinct recollection of what I said - I certainly did not say to him that after the Collision I could see the lights in the other Vessels Cabins nor did I hear Captain Eyre make such a statement - The other vessel passed so quickly. That I really could not describe what I saw - further than that I saw the glimmer of a light at the side of the ship - I could see no distinct outline of the hole through which the light came - as she passed by us so quickly - I did not hear the other vessels whistle - I did not hear the report of any gun from her I did not see the flash of any gun I heard a hail from her deck - I heard from her "Steamer Ahoy" once only I fancied I saw something in the sea floating by the side of our

Ship

ship. but I cant swear to it. it was too indistinct to form any opinion of its size. I was standing just outside the saloon door. near the break of the poop. I did not communicate to Captain Pyne. or to any of the Officers of the Bontop what I had seen. I did not see any thing like a man. a table. or anything else through the light on the other ship I didnt hear any order to shorten sail on board the other vessel. I cant say how long the other ship remained in sight. I was in the saloon at the time of the Collision. I then ran out and looked over the side. then I went into the saloon again. I went up on the poop and it was then that I heard the hail. she was then. I should say 20 or 30 yards distant of us but I couldnt judge the distance. I should say she remained within my sight from 2 to 3 minutes after I went up to the poop

To Mr Barnard I never heard Captain Pyne say to any one that he could see into the Cabin or saloon

of the other Vessel

I. the Court. The effect of the Collision upon me in the saloon was nothing. I was sitting down and scarcely felt the shock. the Vessel did not seem to stagger after the shock. from what I felt I thought she had run into some junk or fishing boat. ~~I thought~~ I thought so because of the slightness of the shock. there were some Ladies in the Cabin at the time of the Collision. They appeared to be rather startled. but not very much frightened. Captain Lyle came down from the bridge after the Collision. a little before we got into Harbour to speak to the Ladies. I didn't take note of what he said to them. those in the Cabin jumped up and made toward the door after the Collision. only the two Ladies and I were in the Cabin at the time of the Collision. after the Collision the Ladies resumed the game they were playing, either back gammon or something I don't know what.

Signed Alfred Steele Perkins

Adjourned till 9 a.m. tomorrow

6th day.

No. 1.

Proceeding resumed at 9 A.M. on Wednesday the 2nd February 1870

Mr Eyre allowed to say a few words before the next witness was examined, states that he was worried and anxious at the time the officers of the "Rean" came on board his & Ship and he exceedingly regrets, if he made use of any disconsterns expressions, Mutual apologies for any show of feeling were then exchanged between Mr. Eyre and Mr. de Long, the latter Gentleman stating that he was not influenced by any feeling of revenge in the Conduct of this inquiry

George Wells sworn states. I reside at the International Hotel - I was in the bar room of that Hotel, on the evening of the 24th of last Month, Captain Hilt and Mr Curtis and I. were setting at the close I saw Mr. Hamerton the 3rd Officer of the Bombay standing at the bar. at about ten or eleven yards distant from us, I am a Englishman, I didnt hear Mr. Hamerton make any statement relative to the Collision I heard the steward say something. I cannot exactly remember. I know the Conversation occurred. but I heard the steward say he had been below washing his face, when he felt a kind of a shock, he said he hardly stopped to wipe his face

but

but ran on deck where he met the Carpenter, and inquire of him what was the matter, the Carpenter informed him there had been a Collision, and that a hole had been made in the other ship, large enough to look into the Cabin. Mr Curtis was sitting at the Stove and remarked oh. there a job for the Carpenters' there. the steward then walked forward the bar where Mr. Harnerton was. as he was walking forward the bar Captain Hilts Collected to him did you not stop. Mr. Harnerton answered no. Captain Hilts then said Why not. Mr. Harnerton Made answer I cant say that were the mistake is, or words to that effect. afterwards I heard one Conversation going on as to whether the ship's hull was of pine or Oak that is all I heard.

(Signed) George Wells.

James Cavanagh. sworn states. between 6 and 7 P.M. of the 24th ultimo, I was at Kanonicaki, this is to the best of my Knowledge about 3 miles from the buoy on Saratoga spit, on that night I heard the report of four Guns. I heard them one after another. I thought there was a minute between each. I thought the mail steamer

Was-

was on the Spit perhaps - I have been a Pilot about 10 years in Japan, I have never Piloted any Mail Steamers into the harbour, Steamers Generally steer mid channel after passing Kamonsake Except you want to make the bouy. N. by W. 1/2 W. will fetch the bouy on the Starboard side - this course will make the bouy about fifty yards on the starboard side, this would be the course by day or night, in rounding the usual course is from 1/2 a mile to a mile from Kamonsaki, steering this course, a ship would be, say about 200 yards from the bouy, when the bouy would be abeam. unless there was a strong ebb tide, in which case a steamer would be set more to the ventward, the deep - water Channel between Saratoga Spit and Kamonsaki ~~the deep~~ is about one and 1/2 mile wide. you can run very close to Perry's Island - there are from 39 to 40 fathoms of water Close into Kamonsaki - if in coming up the Channel I saw a Steamer's Mast-head and green lights - I should put my Helm astarboard in order to give her a clear berth

Wm. Be. Long Will read two paragraphs from the U.S Navy regulations in regard to passing at sea.

To Wm Barnard If I saw three lights

1/2 a

½ a point on my port bow - I should port my helm I should put it either hard a port or hard astarboard to keep clear of her - if I saw a red light on my starboard bow. both ship's would give way - it would be my duty to give way - as well as the duty of the other vessel. I have taken ship's up and down the Channel. both before and after the light house was erected - in pilotting a vessel - in or out I never look at the Chart I should not take bearings of the light by the Chart - the light house is of use on a dark night to show vessels the way in - I am not aware that in — navigating a Channel. it is customary to keep to the starboard side of such Channel. if it were two Steamers it wouldn't make any difference to me. which side of the Channel I went, if in rounding Kamonsaki. I saw another steamer coming down from the Harbour I should think it my duty to put my helm to port so as to give her a wider berth.

In going down Yedo bay. it is usual to steer for Perry Island until you pass Saratoga Spit. in proceeding from Kamonsaki to Saratoga Spit, I should judge my distance from the Spit by the lights at Yokoska, on a dark night I think

I.

Lo. I could judge my distance from Goskoba
light sufficiently well to give the Saratoga
spit a close berth - without taking
the bearings of the light house - I should
judge Saratoga spit to be clear by the
N. when Perry's Island bore W. S. W.
in going out of the harbour. if I saw a
Steamers lights - I should imagine that
she was coming end on or nearly
end on, I don't know what the other
Vessel would do, I should port my
own helm, or else Starboard it -
To. the Court. I was on shore when I heard
the guns, I did not carry a Watch - I think
it was about forty or forty five minutes
past six that I heard those guns that was
about the time as nearly as I could guess
the Clock in the light house had stopped
(N. B.) it is 3 minutes past ten) I saw the
mast head lights of the mail boat from
Kamonsaki. I should think it was about
5 minutes past six when I saw her about
3/4 of a Mile off Kamonsaki - I did not
see the lights of any ships coming down
the Channel I was in a house when
the first gun fired - and by the time I
had my boots on - the fourth gun had
fired. a friend of mine saw the flash
of the fourth gun. and I immediately
thought that the mail boat had gone
onto the Spit - I saw no rockets fired
nothing

Nor blue lights burned I had not my boat with me, I could have got a Japanese fishing boat - I thought I'd wait to daylight to go and see what it was as there were only two japanese in a small boat, and I could not see - the Mast head lights of the Steamer when I heard the gun - I imagined that the ship from which they were fired was in danger - I did think it worth while to go to her - but didn't wish to force the Japanese to go off to her, I did offer them ten Boos - to take me off to the Ship from which the guns had fired they didn't ask me any fixed sum for which they would take me off - I think it was three boos that I paid the boat man for taking me from the Plymouth rocks to the lighthouse - had they taken me on board the mail Steamer I should have given them five boos - I offered them ten boos - to take me to where the guns fired from, I stopped at the light house because the boat would not take me on further that night, I arrived at the light house at about 3 or a quarter past 3 - o'clock in the after noon - I waited there in order to try and get a passage up by a Steamer the Name of which I dare

I saw at Cape Sagami, I did put off to the mail steamer when she was quite abreast of Kanonsaki point I went I suppose better than a ½ a mile there were two men in the boat the steamer was going from 8 to 8½ Knots I should think she was [redacted] to the North of Kanonsaki point when I turned round and left her. it took about 10 minutes to pull back to the shore when I got on shore. I went into the Japanese Hotel again and finished dinner. It was about twenty five minutes after I entered the Hotel that I heard the guns. A Man Called Broderick was with me at Dinner at the Hotel. I have been in Japan going on for eleven years. I am an American Citizen there was only one Foreigner there besides myself and ten to fifteen Japanese if not more, there were ~~are~~ only three boats where I was. You could get plenty more by going about a mile. I am not aware that Broderick endeavoured to induce any Japanese to put off after hearing the guns. I did not consult with Broderick whether we should put off or not, I knew it was no use, to offer any more than ten Boys, as the Boatmen would'nt go out at all - I am quite certain that

that I only heard four guns— since
I have been in Japan I have been
sent to Sanafrancisco to stand my
trial on a Criminal Charge. I
decline to answer with what offence
I was charged. I don know if I was
convicted of that offence. I decline
to answer the question any way. I
dont hold any License or written —
permission to act as a Pilot here
I didnt try to get the boats which
were lying a Mile off to go out, as
I knew they wouldnt go, besides the
night was dark & I didnt see any light
on the Spit, I of course should have
gone, to get the other boats to go out.
had I thought that the guns I heard
were a signal that life was in danger
or that a Ship was sinking in mid
channel, my impression was that
the vessel was on shore, and that
there ~~was~~ no danger of life - the japanese
wouldnt take me off, because they were
not servants of mine, at the time I
wanted to go off there was a nice
breeze from N. N. E. - Frederick is
somwhere in Yokohama I dont know
if he is a Sailor or not. He has lately
arrived

arrived from Nagasaki. I have never had charge of a ship as master. I was Chief officer of a sailing vessel for six or seven months.

To Mr. de Long the crime for which I was put upon my Trial, was not perjury

There are three Japanese in the light house No European has been in charge for some time. there is no ~~Light~~ Life Boat there. the clock I referred to as having been stopped ~~on~~ the light house clock. the Japanese told me it was broken. the hotel is two hundred or two hundred & fifty yards from the light. a Japanese keeps the hotel. the Japanese use the Hotel principally, but a pilot can get a meal there

(Signed) James Cavanagh

Isaac J. Yates Sworn States. My rank in the ~~navy in the~~ American Navy is that of a Master, and that was my rank on board of the "Oneida". I am considered to be a responsible officer to take charge of a ship, the Oneida left Yokohama at 5.15 p.m. on the 24th January bound for Hong Kong. We were cheered by the various men of war as we left. the General understanding was that the ship was homeward bound after passing the light ship. just outside

the.

9.

outside the anchorage Mr. Stewart a Lieutenant Commander and Executive Officer having charge of the Ship. set all plain sail this brought the ship under sail and steame he braced the yards something about 3 points. he braces them in with the starboard braces. the vessel was on the port tack, the port tacks were hauled on board some, at 5.45 as near as I can remember Mr. Stewart sent for me and asked me if it was my deck, I told him it was and I relieved him, he told me that the masthead and side lights were burning and the look outs were stationed the man at the lead both sides and the proper men at the wheel. he also told me, the course S. by E. 1/4 E. Mr. Holdane the navigating officer was also on the bridge, (I relieved Mr. Stewart on the bridge) I asked him after Mr. Stewart went away to assure myself of the course he told me again S. by E 1/4 E. so we headed, at 6 oclock I relieved the watch, sent the Port watch on deck, and ordered the Officer of the forecastle of the starboard watch Mr adams to heave the log. he reported ten. going 6 knots and 6 fathoms, I thought she might be going a little faster. so I asked him

him again, and he was positive, He asked me if he should put it in his log, I told him no, that we must make an allowance for the quarter of an hour during which we were at anchor - Mr Adam was then relieved by Mr Hull a Midshipman before this when I asked Mr. Moldaur about the Course he told me he wanted me to send a quartermaster on the forecastle with a glass on the Port side to keep a look out for Saratoga Spit bouy which he told me was somewhere on the port bow, I sent for a quarter Master, and found it was William Boynton Signal Quarter master, he reported to me with the glass, I told him to go on the forecastle, and keep a look out for this bouy on the port bow, and he went there. at 6 o'clock he was relieved by Thomas Dooley Quarter master. at 6,20 as near as I can judge I thought we were sort of drifting in to starboard as Kanonsaki was drawing more ahead - we had had it ½ a point on the starboard bow, I thought we were sliding in toward the western shore, I sent for Mr Moldaur and gave the order to starboard a little - the Ship was Leading out

to Port slowly, my object was to put the light to the same bearing, just then the quarter Master on the forecastle reported a Steamer right a head and I saw a Steamer's Mast head light, coming round Kanonsake point, and this light passed from ahead to starboard then when I turned round I saw Mr. Moldaur who asked me. Whats the matter Yates, I said I think we are siding into starboard - and I ordered the Helm to starboard, and there is a steamer's masthead light passing from a head to starboard but Mr - Moldaur said, I cant go any more to port we must head our Course, I asked the Quarter master how the Ship then headed, he said S. E. by S. So that she must have come up a point and 3/4 - then I ordered her on her course, and when she got there the quartermaster reported her so, that Course was S by E 1/4 E - when the Ship was on her Course, we could see the Steamer's Mast head light on our Starboard bow and changing it bearing further aft, not long after Mr. Moldaur and I both saw her green light and her Mast head light a point on our Star board bow. She was then evidently

running

running nearly parallel to us. pretty well in to the western or starboard shore Mr. Maldaar said you see her green light there, and I said yes. and he said she'll pass to starboard yes which was also my idea she was then over 3 miles off, we were on our course all the time, S by E 1/2 E and we were of course approaching each other, when the steamer was a mile off 3 points on the starboard bow., I saw she had put her helm to port, by the new direction in which she headed - she headed right for our green light. I was standing on the starboard side of the bridge where I had been standing all the time since we had made this steamer. and I ~~then~~ saw her leading for me, and the instant her red light open (then I saw all three lights) I gave the order starboard then hard a starboard. the Quarter Master answered me from the wheel - we headed off rapidly to port and kept ~~so~~ heading off that way - when this steamer was a short distance from me, I cant judge exactly she put her helm to starboard - if she had not starboarded her helm when she

she did, she rowed Lane struck fore
ward of the point, which she did
strike I didn't hear any order given
on the other steamer but I saw
evidently that she headed to port and
that helm must therefore have been
a starboard - I heard no noise on the
steamer - and saw no signals made
of any Kind. before or after the Collision
just as she struck some one sung out
what the hell are you about - whether it
was to some one on board the "Oneida"
or to some one on the "Bombay" I cannot
say - she struck our ship not long after
starboarding her helm - her helm was
a starboard when she struck us
she struck us about the starboard
Mizen rigging. right abreast as I should
judge, and at an angle of about
40. to 45 degrees - and she cut off
the whole of the Quarter diagonally
and carried away the poop - which
went over the side astern - she also
carried away - our spanker boom
and gaff - the wheel and Starboard
binnacle she cut the Gig in two
and smashed it all up - the only
binnacle we had left, was the one
one on the port side - My ship was
unmanageable

unmanageable - entirely so - as soon as she struck I gave orders to shorten sail - the square sails was taken off the ship - and the mainsail to the Spanker was gone but the head sails were not hauled down as soon as she struck - the officers all rushed on deck, Captain Williams was brought on deck by two men - and Mr. Stewart as soon as he touched the ship's deck, ran to the port side of the deck - jumped upon an arm chest near the rail and sang out in a loud tone of voice "Steamer ahoy - you have cut us down - remain by us - the Bombay at that time was across the stern of the "Oneida" but immediately went out of sight I only heard Mr. Stewart shout out once, and I heard no one else hail the steamer - I heard no one answer from the Bombay - he then went down from the chest and said for God's sake are'nt there any primers about here - Langman - where's the gunner's mate - all the primers that were aft - were carried away together with

2.15. With all the rockets that had been made up - and all the blue lights and signals which might have been available - the blue lights were in a box made fast up under the poop - fastened to the beams - the rockets were also made fast along the beams together - the boxes of primers - were in the armouries which were situated on each side underneath the poop. soon after Thomas. Stevenson got the primers I believe, and Mr. Stewart and Mr. Adams loaded and fired a gun - it was the Starboard no 1. 3rd Division Gun which was just forward of the bridge - Her Calibre was thirty two lbs and the Charge was 6 lbs - when the Captain came on deck, I told him that that ship had ported her helm and cut me down - he said I know it. Sir but let us save the ship. And he gave orders to keep silence on deck - then he gave orders for shortening sail - but they had allready commenced to do so when I next saw the Captain.

it

it was about a minute after I had just spoken to him, he asked me to go and see if the jib was set I went and saw and came back and reported yes - so he said that was right - then the order was given to set the fore top sail - with the idea of paying the ship off and running her ashore on the westward shore - there were several officers forward - I went forward and gave the order to man the topsail sheets - I saw Mr. Sargeant there and then I heard Mr. Moldaur Call out for me - and he wanted me to help him to get the pumps manned on deck - the Carpenter was there and we got the pumps manned, and the men got to work on them, all the pumps were going the steam pumps, and deck pumps but the water was rising very rapidly, and the ship sinking very fast by stern, just before she sunk about 3 minutes Mr. Moldaur Called me to see how she headed I went aft and looked at the Port binnacle and she headed E by N - and I judge that she must have run about two miles after the

the Collision - she kept coming up all the time toward the Eastward. (just before the Bombay struck us the officer on our forecastle called out hard a port. but I didn't repeat his order, and I think his idea was. to swing the ships parallels as the Bombay was passing our Centre the Bombay's bow had got past the Centres of our ship - the Bombay had allready starboarded her helm) I then went and told Mr. Moldaur how she headed and he told me to go on the bridge and tell the Captain - Mr. Moldaur was sounding with the lead lines to find the bottom - I went up and told the Captain but I dont remember that he said anything - immediately Mr Moldaur jumped on to the bridge and said the ship would sink in three minutes by the stern - he begged the Captain to take to the boats - they had been clearing away the boats - before this, and getting them ready to lower, the first cutter at that time was out of the Cradle - the first and third Cutters were the only boats we had after the Collision except the dingy which

which was broken in two. she had been condemned and was only kept on the davits - to stow gear in but the Captain would give no orders to take to the boats - he replied to Mr. Moldaur - no. no. never mind the boats - I understood that Mr Moldaur did notwithstanding give an order to take to the boats about that time the bridge was very near the water just before it touch the water, I asked the Captain to jump with me into the Cutter which was a little away off - but he stood there. he made some reply but I couldnt swear what the reply was, I think he said something about. I will sink with my ship but I thought, that I would jump so I jumped and dropped My trumpet as I jumped - I sunk - I had on Cloth clothes and a heavy over coat - and I came up and struck against the side of a boat with my head I begged a man to haul me in. he laid hold of me and while he was hauling me in I turned my head to the right and I saw the fore top gallant mast sticking out of the water but just

sank.

going down and when I got into the boat. I stood up and looked about for the ship. but I could see nothing of her - nor nothing in the water then - just then Mr Crowningshield swam to the boat and begged me to haul him in, so me hauled him in, then I saw an Officer in his shirt sleeves. and he begged me to save him, he said Jakes for Gods sake save me. that was Mr. Stewart the executive Officer I ordered the men to back down, they backed their oars. but he sank under with the stern of the boat - I saw no other person but Mr. Stewart and Mr Crowningshield I may have seen Mr. Holdane but I wont be certain. I begged the men to stay by the ship and they did so, but we soon all saw that our boat was very full of men they had quite a number in the boat when she was lowered - and a half more hauled in afterwards. we had forty four in our boat, the boat was not very large - and there was a great deal of water in the boat - and the water was coming in a little - so orders were given to bail with shoes and hats, I soon saw that if we wanted to save ourselves we would have to get on shore as soon

soon as possible, and the men were clamoring to go on, they commenced to pull ahead, I begged them to stop but they wouldn't, we headed for shore - I having given up all hope we went before the wind heading into land, when possible and steering with a long oar. at one time just before we landed. we were very nearly Capsized in the surf but we finally all got on shore and landed at a village just in a Cove this side of Kamonsaki light that is we landed on the rocks. whence we proceeded to the Village, some of us stayed there all night, but after I went to sleep some of them straggled off - I got up in the morning leaving Mr. Crowningshields and three men with him, I had started to walk on, with a party of men and arrived at Gokoska at about 10 A.M. they treated us Kindly there and I found a number of my men there, I went out in a steam Launch from Gokoska toward Kamonsaki and met the "Aspic". French Gun boat she had a boat astern with Lt. Lyons in charge I got into the boat

and

and sent all my Men in the Launch to the "Yangtze" then I went down in this boat with Mr. Lyons. by the "Aspic" She soon cast us off, and we pulled in toward the shore, afterward I got into the English steam launch and we looked around the coast I went into the English launch from Mr. Lyon's boat direct, I didn't go on shore but I saw a Russian boat there and the Captain of the "Sylvia" came alongside in his boat, then we went out in the Launch down to the light and then we went on shore. and I walked about on shore with some Officers of the "Idaho", and the Captain of the "Sylvia" also this was about 3 O'clock, I then went on board the "Sylvia" in which I came to Yokohama - and was then put on board the "Idaho"

Adjourned till one thirty pm

proceedings resumed at 1.30 p.m

Mr. Yates said he had forgotten to mention that the Oneida Steam whistle was blowing from the time of the Collision until just before the ship sunk

I saw the man Jacobson turn it on. Jacobson was lost.

2 2 2. J. W. McLong - When I said that our lamps were out I meant that the were out in the boxes. both side lights and the mast head light were burning brightly when we first saw the Bombays red light it was something over 3 Minutes before the Collision took place as I saw all three lights and the vessel broad on my Starboard bow, it was my duty to starboard my helm. If I had ported at that time we should possibly have Collided bows on. and I would not doubt have struck her on her starboard bow, if we had struck bows on I think the Bombay would have cut into us very far - on leaving the Anchorage the Oneida passed to the East of the light ship I dont Know exactly at what time we passed her. I saw the light ship on our starboard side, the light ship was about 3 Cables lengths off when we passed. I relieved the deck at a ¼ to 6 - the course passed to me on taking the deck was S by E ¼ E. I speak of the Course by Compass. I do Know that there was not one half of a degree deviation between the Standard

No. 23. Standard Compass and the Compass we were steering by. the navigator would know all these things — S by E. 1/4 E. was the Course actually steered and Mr. Holdaar the navigating Officer would have made allowances for deviation and variation. the deviation of the Compass on that Course would not be over 1/2 a degree. I changed the course S by E 1/4 E. once, I changed because I thought the ship was sagging into the western shore. I headed up S. E by S. — I headed up that way somewhere about 4 minutes — the next course to that was S by E 1/4 E Mr. Holdaar ordered me to return the Original course, the reason was, I cant stand any more to port — I left this latter course again on seeing a Steamer on my starboard bow heading for me, I suppose about 12 or 15 Minutes must have elapsed between the time that I received Mr. Holdaar's Orders to alter Course and the time that I altered it on seeing the other steamer — the Bombay was three points on our starboard bow —

bow, when I deiected the second time the vessels were about one Mile apart at that time - I think the gun was fired four times from the Oneida all the shots were from the same gun. the sound of the fourth was I think somewhat smothered as the vessel was about sinking. the Lieutenant wanted the gunners Mate to get Primers and Powder - I should judge the Primers were got from forward we fired four times from the same gun - because the primers and powder were at that gun, and I suppose Mr. Stewart kept them there - I only stand there with him until he fired that one gun - none of the guns were loaded at the time of the Collision - there were two lookouts out on the forecastle - and one on the Port side of the Poop - those were all we had - one officer Mr - Midshipman Hall was on the forecastle all the time there was also a Quarter Master with a Glass - I dont mean to say that all the signals on boards, but

that

2. 25. that all that were quickly available were lost when the quarter was carried away, I should say that 30 seconds after the Collision, our whistle was blown and that five minutes elapsed before the first gun was fired. The Oneida floated fifteen minutes after the Collision. I think the Tonnage of the "Oneida" was 1030 Tons. with the Engine room (admitted that the gross tonnage of the Bombay is 1376 Tons) the new Tonnage of the Oneida was 695 Tons, the Oneida had a Poop deck built up over the Spar deck Astern. There were double doors on each side of the deck which close this Cabin in. inside of this Poop Cabin there was an armoury on each side, the tiller also came through there, and the relieving tackles were als in there. - abaft the tiller was a bath tub - and there were pegs. in this Cabin for Coats, the Officers used to hang their rain clothes in there. we also had large easy chairs in there. this place was

was used as a lounging and smoking room by the Captain and Officers - over head there were boxes for signals, there was a chart table and a drawer with charts on the forward side against the bulk head it was quite a broad table. there was also spare gun gear there, there were alway lamps kept in there; two were always kept alight in there at night. there were also some books, the log book was some times kept in there. there was no cloth on the table: the color of the table was a yellowish brown. the barometer and thermometers were in there. the Cabin had to stern ports and there were arrangements inside for setting off the life buoys. the Oneida's bridge was some distance say one hundred feet, forward of the Poop Cabin, outside the Poop Cabin on each side were water closets. As regards the Captains Cabin, this was covered by a raised hatch with windows. there were windows in its sides. there was a movable slide to this hatch. this let down

to

to the Captains Cabin, to which there was a moderately broad staircase. in the Cabin there was a table, which was covered with a red cloth the last time I saw it. the Cabin had Air ports, about 4 inches in diameter. in the first place the Poop Cabin was entirely carried away by the Collision it was swept entirely into the sea. then I saw that the whole Starboard quarter and Stern were cut off. I was not down in the Captain's Cabin and cant say how large a breach was made in it. nor can I describe the breach. I should think the breach must have extended the whole breadth of the ship. I suppose the stair case leading to the Captains cabin must have been cut off, as the Oneida was struck forward of that. I dont know how the Captain got on deck. I didnt go and look over to ascertain the extent of this breach in the Oneida stern. I think the Oneida ran about two Miles after the Collision before sinking: but after reflecting again I have no means of judging the.

Q. 28. the distance run ~~ran~~. I cannot say how far she had run. I should judge that her propeller must have been injured, but I dont Know. I shoud think her Engines were not injured. I should like to say that I dont think the Ameida went two miles after the Collision. I dont Know how far she went, and had no means of judging. the wheel was cut away by the Collision. the wind was from N.N.E. to N.E. principally N.E., force from 4 to 6. the Kanonake light bore ½ a point on the starboard bow from the time of sighting it to the time of the collision, except when I altered course by reason of the ship sagging. when it was brought up nearly ahead. at no time before the Collision did it bear upon my Port bow. it is a rule of the U.S. Navy when the Officer of the watch alters course, that he informs the navigation officer and the Captain of it; but on this occasion I understood the Captain was not to be disturbed. I did notify

the.

29. the Navigator and he came on deck. he stand on deck about 10 minutes. when one of the U.S. Navy vessels is in a dangerous place the Navigators post of duty is on deck. when any danger from a collision is apprehended, his post is also on deck; and if he considers it necessary he can take charge of the Ship. when I first saw the Bombay's light, it was a little to the left of Kanonsaki light: then it went to the right of the light as it was rounding the point. I saw the starboard green light of the Bombay. it bore one point on the starboard bow. Twenty of the Oneida were lost and Sixty five men. the "Oneida" arrived on the China station at the end of 1864. the Bombay was one mile off when I noticed her heading for the Oneida. I could not have avoided her then by putting our helm a port. when you see the mast head and green light of an approaching steamer, the rule is to starboard the helm in order to give the other steamer a wide berth

Pl. 30. berth, this I did when I first saw the Bombay's lights. as far as I know, the helm was starboarded at the time of collision; at least I had given no orders to change it.

By W. Barnard — the name of the look out on the starboard forecastle is William Whittenny, ordinary seaman. the man at the weather wheel is named Albert Ruggart Seaman. those are all of the look outs who were saved. I was in charge of the deck when we first saw the Bombay's lights as officer of the watch. I was in charge of the ship at the time of the collision we passed within three cable lengths of the light ship I should think. when I took charge of the deck, we were steering for Kamonoseki light. for a moment that light was brought to bear almost right ahead — I dont know if Perry Island was in sight at that time, I didnt know Perry's Island. I am unacquainted with the land in that locality. I am not supposed to know the land. as officer of the watch I am supposed to know the course but not the peculiarities of the land. I thought the ship was lagging only from the

the fact of bringing the light more ahead, Not from the position of the land from Westward, I thought we were approaching the land ~~from~~ to the Westward - I could see the land, and the general outline of it - at that time I should think the land to the Westward was something between 4 or 5 Miles distant. I was aware that we could approach it pretty close - I was at that distance when we sighted the Bombays lights, We made the light one point on the Starboard bow, the other Vessel was steering up towards Yokohama. her course would have taken her somewhere up by the light Ship. I imagined that Vessel was going to pass us on the Starboard side, because she was so far in toward the Western shore, and we were some way out. We left Yokohama about 5.15 p.m., and came into Collision with the Bombay at 6.45 p.m. our time would have been the same as Mr. Mc Lean's time. when we saw all three lights of the Bombay

we

we were about a Mile off, one were so close together, and approaching so rapidly, that I thought that if we ported our helm, we should Collide - we were approaching each other at the rate of Eleven Miles and how I should judge. under the circumstances our Mizen and Gaff Topsails would be against our port helm - it is doubtful whether we should have had time to get them in before the Collision - allowing the vessel Lord no Canvass on, and in fine Weather, without Canvass, and under Steam. I dont Know how long it would have taken the Oneida to turn round - when I saw the Bombay's green light, it did not occur to me. that her red light must be just on the point of opening - the Oneida usually went about 4½ Knots, the boilers and Engines were out of order - when the speed was reported to me, it did occur to me - to doubt whether we were going so slowly - I didnt have the Log

hove -

have the second time. as I didn't think it necesary, as I took the word of the Midshipman, and didn't wish him to think that I imagined he didn't Know how to heave the log, that was the first time he had ever have a log on board our Ship, It is possible and even probable that he might have missed a Knot under those circumstances. I thought the Oneida. might be going 7½ Knots no more. the Engines were not going fast, and there wasn't much wind. the Engines didn't turn so fast after 6 Oclock. as it did before. I am not aware that it is usual for Vessels to Keep on the Starboard side in a narrow channel - it did not occur to me. that the Bombay might be to close to the Western shore, and wanting to come out. our Engines were going but not very rapidly at the time of Collision - No change was made in Speed. I did not hear our hail answered, My purpose in ordering them to shorten sail. was to decrease the ship's head way, knowing that

We

34. that we ought not to be under sail after Collision. It was not very long say five Minutes after the Collision that we first discovered that the Oneida was making Water — dangerously — her sails were clewed up within the five Minutes — I had not found out that the rudder was damaged — at the time the order was given to shorten sail — it was about two minutes after this that I found all the steering gear was out of order — the Chief Engineer must have reported that the ship was making water — Steps were taken to head the ship off to the western shore. I dont know if it occurred to any one to beach the vessel on the Saratoga Spit — I believe that Mr Maldane thought we were below the spit — I didn't know, I hadn't seen the buoy — our Standard Compass was on the poop, under — neath the spanker boom amid- — ship — I think the navigating Officer knew where he was with regard to the Saratoga Spit — he must have

35. he must have taken the bearings, he was always taking bearings when we were underway, I dont Know Whether he took the bearings of Perry's Island or not, though seeing only one light I prayed that the Bombay was running nearly Parralel to us- immediately before the Collision I Knew that she Must have starboarded her helm, as I could plainly see the Bombay's head go to Port. the Bombay was running across our bows. and the Oneida was not running across the Bombay's bows. I dont want it understood for a Moment that I admit that I crossed his bows. there were no flash lights. blue lights, or any Kind of Signals on the bridge- it would not be as easy to get a rocket ready as to get ammunition from the Magazine, as the rockets would have to be fastened to the deck. I dont think the rockets could have been got ready as soon as the gun was ready for firing. the Oneida's proper Complement of Boats was six. which I consider would be sufficient to save all hands, some of them would

136.

would have carried provisions and some not - when we left Yokohama we had not that Complement - we were short 3 serviceable boats, I should judge that the Launch and the 2nd Cutter would each carry say 45 and that the 3rd Cutter would carry over 60 - if we had had our proper Complement of boats, we could not have carried the whole ships Company without the Jig with all the boats we might just have saved all the Ship's Company - we Carried spare Oars, all Lashed, outside, none were lashed inside, no order was given to cut away spars or to prepare for wreck - the order to take to the boats - was not given till say 12 minutes after the collision I didn't hear it given myself - the men were not ~~given~~ told off to any boat. I believe the order was given to the life's boat crew to clear away the life boat if the Oneida had struck on a rock instead of coming

of coming into Collision we might have saved more men as we might have had the gig. the third cutter alone would have held more men than she I did not hear Captain Williams say, you have the admiral to thank for this, I heard that Captain Williams said I have asked for boats and cant get them. I couldnt swear to any one having been wounded on board the Oneida. I heard and I think that the orderly at the Cabin hatch had his nose cut off, and that the man at the lee wheel was killed. there were two men at the wheel at the time of the Collision, besides a quarter master. the Oneida carried two Surgeons I dont think the Surgeons knew that the men were hurt. I didnt know it I only heard of it afterwards the doctor of a vessel not being an executive officer. is not supposed to go away in charge of a boat unless by special authority in the event of a boat being sent away on duty. one of the line officers is always supposed to go in charge I suppose we were about ten

Minutes

Minutes, by the wreck before we pulled away, I did not see the doctor's boat during that time - the doctor pull off to a junk. I cannot tell whether he might have saved any men had he stayed by the wreck - there was no order given to the doctor to leave the ship that I know of - our Spanker boom was fastened to the Mizen mast by a goose neck of iron

adjourned till 9 A.M. tomorrow

No. 1.

7th day

Proceedings resumed. 9. a.m. Thursday 3rd. February 1840

Examination of Isaac S. Yates Master U. S. N. Resumed

To the Court. I cant say whether any bearings were taken at 6. p.m. they would have been entered in my Log at 8 p.m. I suppose that Mr. Maldaur had taken bearings - when I altered Course to S. E by S. it had nothing to do with the approaching Steamer - we headed up to that point slowly and then headed back slowly - I should think this took altogether about 5 minutes. Mr. Maldaur remarked that we couldnt go any more to port. as he thought we were as close over to the eastern shore as he thought it safe to go. - there is no rule of the road in our service, to my knowledge, that in passing a narrow Channel, a vessel keeps on the Starboard side - having a ship on my Starboard side. I am aware that it is my duty to keep out of her way - I saw her three lights when about a mile distant 3 points on our Starboard bow - I didnt port because she was well on the Starboard bow

bows, and I thought for an instant and saw that I could not port my helm. I couldn't port because I thought we should have struck end on - besides she was on my starboard side - and the rule is to starboard your helm. I had previously seen the green light only - and by the steamer opening out three lights I was aware that she was porting her helm. there is no impression on my mind that I should have ported my helm there as she was on our starboard side, and should have kept to starboard - the starboard look out men is saved and also the man who had the weather wheel - the lead's men are not saved, the magazine of the Oneida is in the forward part of the ship - the shell rooms are also forward - the signal lights were kept I believe in the signal Quarter Masters room. the our Signals were patent signals of different Colors - I cant say where the Signal quartermaster's room was - I know it was somewhere forward - after the Collision there was nothing to prevent one getting up signal lights - for making a

Signal

Signals, the key of that room was kept by the Signal quartermaster - the rockets however were under charge of the gunners mate - I dont know were they were kept, they were not kept in the shell room - the only store rooms aft were in connection with the paymasters department - the tiller was carried away, everything abaft the wheel was cut off, the Mizen Mast was standing - the wheel was forward of the poop. I didnt my self see that the tiller was gone, but I judged that the head of the rudder was gone also - this I know that the ship was unmanageable - we had a tiller in the Spar deck and then another in the Captains Cabin. we didnt try to steer by the second tiller, the Captains Cabin was all smash'd up. and we Couldnt get there - the Captain I believe was lifted up by two men - I didnt try to go down to the Captains Cabin. and steer by the second tiller the Boatswain was sent to try and get the relieving tackle shipped - he is saved - had I been able to steer the ship, I should have tried to bring her up on to the spit - I cant say were the water first came in from

4. from, just before I saw the Ship was leading E by N., I saw the light house on our Starboard beam the Signal Quartermaster is not saved. the steam whistle was not blowing when we hailed, all was silent on our ship. I have been a Master since the 25th. of march last. I was 23 last November. I have had charge of the deck at sea ever since I have been in the Oneida. I have always taken my regular turn. when I first joined the Oneida I was an Ensign. I joined the Oneida on the 6th. August 1868 at Nagasaki. I first saw the Bombay's light to the Eastward of Kanonsaki light after that I saw it to the westward. My Ship was leading up to S.E. by S. when I first saw the Bombay light on our Starboard bow. it was still on our starboard bow when we got on our course S by E 1/4 E. I did not see the Bombay's light on our Port bow the whole time. When I got on our proper Course the Bombay's light. was to the westward of Kanonsaki light. she was on our Starboard bow, a long distance off. and close into the westward shore. I should judge that she

went

went round Nanonsaki and then steeres in toward the shore. I cant exactly explain how she could have been in towards the western shore. when I first saw her green light - she was a point on our star-board bow. when I saw all her lights she was three points on our star-board bow. the navigating officer was down below for his dinner I cant say why we fired the Lee gun. instead of the weather. gun. I dont know if the Bombay could have heard the weather gun better, perhap she might, but I think she ought to have heard it any way. we were short of the launch. which we carried in the cradle at the starboard waste, the second Cutter, which we carried on the starboard quarter, hoisted up abreast the main rigging. the dingy was quite useless. I came away in the first Cutter which was carried on the Port side. the doctor came away in the Cutter which was carried on the Port quarter. no other officer who was on duty at the time was save except the Boatswain. the Port binnacles was forward of the wheel so that a man standing at the wheel could look right into it. the wheel was situated

Last

Just forward of the Cabin hatch. I think that Mr. Stewart hailed immediately after the Collision had taken place. and that the whistle was blown directly after that. the whistle was not blown before the Collision took place. the Oneida's steam whistle was a large one and of a very loud tone. I could not distinguish any figure on board the Bombay - I could see a good many lights on board her. I was standing on the starboard side of the bridge at the time of the Collision. I was looking over my right shoulder. to see how she was going to strike us. when I looked over my shoulder, I saw lights on her deck. but I did not see either of her side lights. the side lights are not allowed to show aft. it was such a short time that I cannot say how long it was after I lost sight of her green light that she struck us. after we had opened all the Bombay's three lights, we lost her red light. when I saw all her three lights - I gave the order to starboard our helm. I have not at any time stated as follows Viz, that I first saw the Bombay's bright and red light a little on the Port bow, and that I gave the order to port the Oneida's helm but that

Captain

2. 7.

Captain Williams came on deck immediately afterwards and said - no. No - Starboard Your Helm - all ways. Starboard and that in my opinion the Arcida was altogether in fault with regard to the Collision. I did not make use of my speaking trumpet to hail the other vessel. the shock of the Collision was severe it was not higher than I had anticipated. I could have given the order to stop the Engines. it did not occur to me to stop the Engines - when I saw that a Collision was inevitable, as I wanted if possible to get by, at no time before the Collision did I want to stop the Engines - I did look for Mr. Moldan when I saw the Vessel heading for me, all her three lights. I saw him on the bridge ladder just as the ships were striking, I told the boy to tell Mr. Moldan that I wanted him - I didn't tell the boy to tell him that we were in danger of Colliding, as he always came up night and day when sent for - when I saw the Bombay three lights I knew that she kept porting but nevertheless I kept starboarding as that was the rule of the road. Even when I see another ship making a mistake I consider it my duty to abide by the rules, and not to use

My

My own discretion. the main topsail, Main topsail, Spanker, and Jaff topsails were all set. and would act against the Port helm, so that she would not have felt her helm as soon as if she had had no sails set, on the other hand these sails would act in favor of the starboard helm - The "Orient" is peculiarity was that you always had to keep a weather helm. when the after sails was set, as she had an inclination to come up to the wind even with the wind on her quarter there would be some difficulty in keeping her off the wind, she would carry some weather helm whenever the Spanker was set - she carried a weather helm. when we altered course to S. E. by S. - I didnt touch the braces at all. the sails were all full then, the wind was pretty aft on our quarter, we always had to keep the yards braced well in - in order to keep her off on her course - the port tacks were hauled on board - I didnt think it prudent to have the spanker and Jaff topsail set, but I didnt like to go against the orders of the navigating officer - I dont know that the main supply of signal lights were kept in the ordnance

Ordnance store room. but I think it was. I dont know whether the Screw was injured or not by the Collision. the flow of water into the Captains Cabin would have impeded a person going down there after the Collision. the Engines did stop before the vessel sank, the fires having been Extinguished by the water which filled the ship. there were 5 watch Officers on board the Oneida. I was No 3 in rank, had I stopped the Engines during the 3 minutes before the Collision, and the Bombay had kept on her course she would have struck me about the starboard fore rigging, and at right angles. Never having seen the Oneida's Screw drag while she was under sail I cannot judge - what effect on her speed stopping the Engines would have had. it would not have avoided the Collision in my opinion. had I three minutes before the Collision when I first saw all the Bombay's three lights, ported my helm, I dont think I could have avoided the Collision, I was about five years in the U.S.N. academy at Newport

and

and Anapolis. I had experienced there, in manuevering ships, I had experience as a regular officer of the deck in all manuveres I had this experience during about nine Months of these 5 years, as I was on leave some of the time - I was actually on board a practice ship about nine Months of the five years. I graduated in June 1866. I have been at sea ever since with the exception of a months - I came in the U. S. S "Idaho" to the Asiatic station. I did stand a watch on board that vessel during the whole passage. She is a sailing vessel. we were two hundred day from New York to Nagasaki out of that time we were something less than a Month in Port - I dont think I could have avoided the Collision by porting my helm as the "Bombay" was so far on my starboard bow; and she might have been a little less than a mile off - I could see her hull distinctly - I think at that time it was hard to estimate the distance; in fact I have only Estimated it by the time which I thought must have elapsed from the time of my seeing her three lights until the time of the Collision

under

under similar circumstances I should again act exactly as I did on this occasion. — I have no idea how long it would have taken the "Oneida" to turn a complete circle. I cant say how long it would have taken to bring her 4 or 5 points up — had I ported my helm — but I think it would have taken a long time I know the water came in through the aperture in the Captains Cabin and through all the place which was cut off

Signed Isaac J Gates
Master U S Navy

Adjourned till 1 p.m.

Proceedings resumed at 1 p.m.

James Thompson Stilly sworn. states on the evening of the 24th of January at about a Quarter before eleven O'clock. I went into the international Hotel. Whilst there I heard something about the Oneida having come into Collision with another vessel. I heard two men

talking

talking about it, I afterwards learned that one of them was the steward - and the other the third Officer of the "Bombay". I think I should know the third Officer if I saw him - I should think that that gentleman (pointing to Mr Hanrertow) was the man. shortly after taking a seat I heard these two men - speaking of the Collision their Ship had had with the H. S. S. "Iroquois" when they spoke of this Collision, knowing most of the Officers and being interested I asked them - were they how a struck the Oneida and what damage had been done to her the answer was that they did not know, that they kept on to Yokohama. did you not stop I said, what was the reason? I cannot tell said the 3rd Officer - there was the mistake, he afterwards said that the "Oneida" was a soft wood or pine ship - My answer was that he must be mistaken as our Ships of war were built of oak. he then said that they had some of the pine on their decks. that the "Bombay's" Quartermaster went into the Cabin of the Cabin of the Oneida, where they were sitting

13.

sitting at dinner and that they saw some of the Officers - removing some one who had been hurt by the Collision. I said then did you not stop when you saw that, that you had injured the ship so much. his answer was No and said again there was the mistake - and added that their own ship was making water. I remarked that it was very Cold - Yes said the 3rd Officer, we were kepted on the Hatches 2½ hours before they sent for the mails. I am Commander of the S.S. City of Jedo.

To Wm Barnard - I am an American When this conversation took place, Mr. Wells and Mr. Curtis were present besides myself. Mr Curtis was leaning over the bars I should think that Mr Wells and Mr Curtis could have heard this Conversation. Mr Wells was sitting close to me. if Mr Wells and Mr Curtis were to Come here and state that not a word was said as to the name of the Oneida, my opinion of what was -

2. 16. was said would not be altered in the slightest. I think I have said something to the U.S. Consul about I heard. I dont recollect when this was, but it must for two or three days after. as I was busy. I have spoken to Mr de Long about this matter, but I dont recollect when I dont think it was the day after the Collision. I cannot swear that it was not the day after the Collision that I saw both the U.S. Consul and Mr. de Long. they did not come to me nor did I go to them to speak on this subject. it was the common topic of the day, and I spoke of it in the course of conversation. I do not think I did go either to Mr. de Long or the Consul and tell them what I heard. I did not communicate this conversation before I heard it all. I did not go to either the Consul or to Mr. de Long particularly about this matter. they did not send a message to me. I decline answering what business I went about. I did not go to Mr. de Long upon this subject

subject especially or any special business - I often call upon Mr. de Long. I did not call at his house when I informed him of what I had heard I have been about 4 Months in Japan I had never seen either Mr. de Long or Mr. Lyons before I came to Japan. I dont recollect what was said between us, we talked on various subjects - I dont remember if I then informed them of this conversation, I dont recollect when I first told them after this Conversation. I have not been subpoened to attend this Court of inquiry - I have not been promised payment if I gave my evidence fairly - nothing has been mentioned to me about payment for loss of time - I swear the Oneida's name was mentioned. That was what particularly took my attention I dont recollect exactly what was said between Mr. de Long, ~~and~~ Mr. Lyons and Myself. I think I spoke to Mr. Lyons yesterday about it - I dont recollect if I spoke to the Minister or Consul about it before last Sunday - I wont swear I did

not

Not. I dont recollect if any one was there beside Mr. Nell and Mr. Curtis I think perhap Mr. Quinn came in afterwards. I remember seeing him after the conversation at the Hotel. I couldnt recollect what he said,

I, the Court the 3rd Officer was in the Hotel I should say 15 to 20 minutes, indeed I cant say when he did go out - I did not see either the 3rd Officer or the Steward Come in, they were there when I Come in I entered the Hotel at about a ¼ before 11 as near as I could judge. I dont recollect if they left together or not - I dont remember if they were drinking or not. I should think both of them were sober. They were standing near the front end of the bar, next to the stove, about 8 or 10 feet off me, when the Conversation took place, when I spoke, the 3d Officer addressed himself to me, he was the principal spokesman, I didnt ask them how they knew it was the Oneida they had collided with. I dont recollect to whom

I -

2.17. I first repeated this Conversation.
I dont recollect if either the Steward
or the 3rd Officer said the Oneida
would come back to repair. I
dont know if a Mr. Watson was
there, on the occasion of this Conver-
-sation. I dont recollect anyone
saying, we will go on board
tomorrow, and see what damage
has been done to her. I think I
should have heard anything that
was said to or by Mr. Wells. I
imagined from the 3rd Officer saying
there was the mistake, that the
Oneida had been badly injured.
I did not think at that time that
the Oneida would sink, had I
thought so, I should have got up
steam immediately in My own
boat and gone down to her assistance.
I did not think that there was danger
to the lives of any on board the
Oneida, because the Bombay
had come away without rendering
or offering her any assistance
To Mr. de. Long as an American

Citizen

No. 18. Citizen I feel privileged to call on my Ministers and consul whenever I please. I remember meeting you at a Barber's shop one morning before the Court was commenced for that day. I recollect you asking me what I knew regarding a conversation that had taken place relative to the Collision. I then made a statement to you of what I had heard. before that time I dont think you had seen me or spoken to me upon this subject. I did then at your request consent to ask my Employer's to give me leave to attend and give evidence when called upon to do so. with the consent of my owners and at your request, I have today remained off duty in order to attend this inquiry. I have no interest in the matter other than the feeling of every American relative to this Catastrophe

Signed J. T. Hilty

James Sudard Citizen States.

I hold

19.

I held the rank of Surgeon on board the U.S.S Oneida. I was on board of her on the night of the 24th of January last when she collided with the Steamer "Bombay". at the time of the Collision the Wardroom mess were at dinner the wardroom of the Oneida was situated on the main deck between the Captains Cabin and the Steerage the dinner hour was usually at 6 Oclock, but on this occasion we were a little delayed - we sat down about 10 minutes past 6. When we had almost finished dinner a Messenger boy came down to the wardroom and told Mr Maldaw the Navigator that the Officer of the deck wished to see him. Mr. Maldaw went on deck, and returned in about five minutes. he remarked that he had seen a light, and supposed it was a steamer bound in. a few minutes afterwards I heard the Officer of the forecastle cry out hard a port. I heard and then some a Moment or two afterwards cry out hard a Starboard

20. Starboard - immediately after this, the Collision took place, every body rushed on deck, as I stepped over the Combing of the hatch. I saw a large Steamer alongside of us. slowly clearing herself. as I went aft for the 2nd deck. I heard Mr Stewart the executive Officer hail the Steamer he said, Steamer Ahoy, stay by us. You have cut us down. there was no answer. he repeated it a second time, and still there was no answer the Strange Vessel had by this time got clear of us. I walked aft. and saw that the wheel, the Cabin sky light, the Poop Cabin, the Spanker boom and Gaff, and the flag were all carried away. I also went further aft. and looked over the Quarter, as well as I could see in the darkness the whole Starboard quarter seemed crushed in. I believed that the ship would sink in two or three minutes. I then looked up and saw the Ward room boat hanging to the Poop Quarter with ten or twelve men in it. I jumped up on the Hammock rail

sail, and asked the man in the boat if there was an Officer in the boat they said NO. upon which I got in and took charge of the boat. I gave orders to cut away the gripes. and for the men to stand at each fall ready for lowering. we remained in that position until the ship began to settle when we lowered away. at that moment a pink was passing within 20 or 30 yards of the ship. I made chase to bring her alongside but after pulling 20 or 30 strokes I saw that she would leave us. I turned back and the ship had disappeared. even then pulled for were we supposed the ship had been - but hearing and seeing nothing we made for the western shore were we landed about 8 or a little after 8 o'clock. I secured 3 guides, and walked over the mountains to Yokohama where I arrived about 4 P.M. on the 25th ~~full step~~. I called at Mr Carroll's, and borrowed his boat in which I proceeded on board

the

the "Idaho". After reporting the loss to the Commander, I went on board the Steam. I there saw the Commander of the ship, who gave orders that the "Sylvia" should be directed to get up steam. immediately

To Mr. De Long. It might have been 3/4 of minute before the Collision - that I heard the Officer of the fore-castle give the order hard a port. I thought the order hard a Starboard was given by a strange voice. I couldn't tell were it came from at the time, but immediately afterwards - I thought it come from the Bombay. the order hard a Starboard was given almost immediately after hard a port. instantly after hearing hard a Starboard, I heard the crash of the Collision. I heard Commander Stewart hail the Bombay Vessel. almost immediately after the Vessels were cleared, the Steam whistle was turned on and continued blowing as long as there was any steam which might have been five minutes - shortly after

Marks

afterwards a gun was fired, and just before the steamer went down. 3 more guns were fired, in all 4 guns were fired. One gun was fired, and then after the lapse of some time 3 more were fired rapidly one after another. when the first gun was fired I was on the vessel, when the last gun was fired I was not. when I came on deck and looked over the quarter. and I saw water pouring into the vessel through almost the whole of the quarter. it appeared to be pouring in like a waterfall. the poop seemed to be cut clean off, but part of it appeared to be hanging as stern in the water. I could tell if the stern post was in its place. I did not observe whether either of the binnacles were carried away I think the propeller was not injured because the ship had considerable headway for some time after the collision. as soon as the vessels got clear. the Oneida shot up into the wind, and headed directly for the Eastern shore. I did not

Lee

24. See Captain Williams at all. I did not see into his Cabin. I did not notice the condition of Stairway. in fact I saw nothing below at all. after the Collision I could hear no orders given, nothing but a confused noise, but I saw what was being done. the impression on my mind from the shock was that the whole of the side of the ship was coming in. the Officers left the Table immediately and got on deck as soon as possible I dont think the effect of the shock would have staggered or knocked me down had I been standing up and unaware of what was going to happen. it felt as if we had been crushed more than anything else I think I could have heard a hail from the Bombay had there been one but I did not here any hail. under the circumstances of a Collision it is the duty of every Officer in the U.S. Navy to do his best for the assistance of the ship and those in her, irrespective of his own particular standing or duties. I escaped in the 3rd cutter

Cutter. In pulling for the jink, My object was to keep and get her alongside to endeavour to save life. the boat in which I was had sustained very serious damage, I believe she knocked against the side of the ship. there were seven knees broken. and a plank started, so as to leave a hole an inch wide and 5 feet long. I think she might have carried two or three more than she did, perhaps twenty in all.

To Mr. Barnard there were 19 in the boat altogether our boat was on the port side of the ship when I got into it. the boat was on the Port quarter. I suppose I got into the boat probably four or five minutes after the Collision. the Bombay was in sight after I got into the boat, I.E. I could see the light. I could not possibly say how far she was off, but I should say she was as far as she could have got in five minutes I didn't see any one at all on board the Bombay. I looked at her very closely, but it was dark, and

I

I was confused, I could not see any
lights on board the Bombay when
she was alongside. I noticed her
particularly when alongside. but
from the darkness and the rising
and the confusion I could not
distinguish individuals, I ~~I~~ said
there was a confused noise, that
was after the vessels were cleared,
and the Bombay was close by,
say about two or 3 minutes after
the Collision. our Steam whistle
was blowing, it made a great
noise, it commenced to blow almost
immediately after the Collision - and
was blown for the purpose of attracting
the attention of the other vessel - it
was not blown previous to the
Collision. The proper Complement
of the 3rd Cutter was 10 men and a
Coxswain and could have carried
25 men. it was about 5 or ten
minutes after Cutting the lashings
that I had the boat lowered. it
took about 3 or 4 seconds to lower
the boat. perhaps ½ a minute, after getting
the boat into the water, I stopped
alongside about ½ a minute. I
did

No 27. I did not see the junk till just as we were ready to cut the fall. the junk was crossing our stern coming almost before the wind. I know where Saratoga point is. the junk was working down the bay. It was a large junk with a large sail. I did not see her light, I am sure she was a junk. she had a large sail set, and was perhaps about 40 yards from us, quite close. we had 10 oars in our boat I thought I'd try and catch her I followed her about two minutes, I soon turned round again. I saw lights the Bombay nor the Oneida then. the Bombay had disappeared some time before. we pulled away during the two minutes. a man called Jordan was the coxswain. I think we might have got perhaps between 30 to 40 yards towards the junk. the junk was sailing very rapidly. I didn't see Mr Yates' boat. I couldn't remember whether Mr Moldavin said on which bow the light was visible. Mr Moldavin did

set

set down to his dinner again after he came down - it was perhaps 5 minutes after he came down that I heard the order given hard a port - I recognized the voice to be that of one of our Midshipmen - I am morally certain that it was the voice of the Midshipman of the Watch. I dont know if Mr Holdane was on deck or below at the time of collision. The order hard a port was immediately after the other was hard a Starboard. I believe that order was given from the Bombay. When I got on deck the Bombay's bows were just clear of our quarter at an acute angle - it was never reported to me - that any men were dangerously wounded. I have no idea if anyone was killed on board the ship - I never saw the Assistant Surgeon after the collision the boat was injured by knocking against the side of the Ship as she rolled preparatory to setting - there was no surf on where I landed we landed on a Sandy beach

and

29.

and dragged the boat high and dry.

Lt. Commr. de Long I have been at sea nearly 21 years I have been shipmates with Mr Holdam since May 1867 - his reputation was very high as a Navigator and an Officer. Mr. Holdam might easily have gone on deck a second time - without my knowledge - Mr. Holdam was educated in the Coast Survey branch of the service - during the late rebellion he was a Volunteer Lieutenant Commander in our Navy.

To the Court the Boatswain was saved in my boat. He did not get into the boat till she was being lowered - I did not consider him in charge of the boat, as he was an acting Boatswain. I did not hear any one say whose fault the collision was - there was no light issueing from the breach in the stern when I looked over it - I cannot tell whether there was any breach into the ward-room by the collision but I think not

30. Qst. There was no one dining with the Captain on that Evening - the Captains Lamp was a Swinging lamp. I should think that the bulk Head between the ward room and the Captains Cabin was broken - as the ward room was filled with water. we sat down to dinner about 10 Minutes after 6 - I should think we had been sitting at the Table from 30 to 35 Minutes when the Collision occurred - Captain Williams had been sick for some time - I dont think it was more than five minutes after Mr. Holdcamb came down to dinner that the Collision occurred. Lord the Bombay replied. to our Lair, I think I could have heard the noise distinctly as there was no noise on board us at that time. I should think 5 Minutes must have elapsed before firing the second gun after the first - after the Collision the endeavour was to get the Vessel on the Saratoga Spit - first they reduced Sail and afterwards they made Sail with that.

No. 31. that object. No signals were made except the gun - I supposed it took a little over an hour to pull from the scene of the wreck to where we landed. When I returned from the first the first. I could see nothing whatever of the ships, no spars nor timber - not even the other boats. It would have been impossible to have seen us sitting at dinner in the ward room from the outside of the ships unless there had been a breach through her side, during the ten minutes that I was in the boat before she was lowered, no notice was taken of me - and no orders was given to me - no one made enquiries for the boat. What I heard - one or two men came and got into her but I received no orders at all - the Boatswain got in just as we were lowering the boat into the water. The boatswain got into the boat to save his life: he was not sent on service in the boat - when I was at the stern I did not look to see whether there was any light coming from the Cabin - I was looking side ways down into the water - I saw no light issueing from the fracture

fracture - there were no Ports opening into the wardroom - there were Ports opening into the state rooms, which were on either side of the wardroom - the ports were Circular in shape and about 6 inches in diameter I should think.

Signed James Suddard M.D.
Surgeon U.S. Navy

Adjourned till 9. A.M. tomorrow morning.

No. 1.

8th day.

Proceedings resumed at 9 a.m. Friday the 4th. February 1870

William W. Browning Shields sworn states I was Captains Clerk on board the "Oneida" - on the 24th January at the time of the Collision with the "Bombay" I was asleep in the Captains Cabin on the Starboard transome, at the time of the Collision - I found myself lying on the Cabin floor recovering from being stunned, as soon as I realized where I was, I saw the Cabin was a wreck, and the Stern was knocked out, I crawled out through the Stern and climbed on to the Spar deck - The Companion ladder leading from the Cabin to the deck was gone; and I climbed over the broken timbers and debris - I looked down the Captains hatch (the Skylight was gone) to see if Captain Williams was there, and finding he was not I went forward on to the bridge, and reported to the Navigating Officer who was on the bridge the extent of the damage - I went down on deck from the bridge - and spoke to 2 or 3 of the Officers - Walked aft, and then found that the Ship had Commenced to settle at the stern

I went

No. 2. I went into the main rigging and remained there, 5 minutes. when the water had reached the hatches abaft the Main mast, and was pouring down below. I threw off my Coats, and presently the ship sank so that the water reached me. I pushed myself away from the rigging & was taken down in the vortex, when I came to the surface again. I found the ship had disappeared, but that there was a boat within 20 feet of me. I swam to the boat and was taken on board and landed with the rest of those in Mr. Yates boat

To. Wm. De Long. The Starboard Quarter was gone the whole length of the Cabin which was 25 feet long and the Stern was demolished & cut down to the waters edge. The Poop was carried away to a person looking from the outside there would be a clear hole 6 feet high and 10 feet long. There was a large arm chair. a ~~chair~~ Cane chair. 2 Common Chair a bureau a sideboard. and a table in the Captains Cabin the table had a red cover on it there was a hanging lamp directly over it and also candles. I didn't notice whether the wheel had been carried away.

E. 3.

away or not. I didnt notice whether the propeller was revolving. the Engines were going - but my impression was that the propeller and rudder were both gone the popp Cabin - had bodily been swept away - I saw Captain - Williams after getting on deck, I saw him on the quarter deck going toward the bridge and I reported to him also the extent of the damage I heard him give orders. and I think one of them was to set the Top Gallant Sails - the other orders I dont remember Mr. Waldam repeated the Captains orders he was on the bridge with the Captain Conducting the steering of the Ship — they were trying to steer the Ship with Canvass - but afterward the water reached the main hatches. and he said to the Captain - Captain this Ship will sink it is of no use you had better take to the rigging - and directly after making that remark he jumped into the main rigging with one. I did not see Mr. Stewart - but I hear his voice about the vessel - I didnt hear any one hail from either of the ships - our whistle was blowing from the time I got on deck till the Ship -

No. 4.

ship sunk - while I was in the
rigging there were three guns fired
I didn't notice who was engaged
in firing those guns - I saw Mr -
Paymaster Tullock I spoke to him
on the quarter deck - shortly after
I came out of the Cabin - after the
Vessel had sunk - I saw nothing
of any of the officers - Mr. Tullock
was merely standing there I asked
him what was the cause of the
Wreck and he told me - we had
been run into by a steamer - as
near as I can judge the Oneida
went down by the stern first and
after arriving at an angle of 45 degrees - she
must have pitched down at that
angle - I dont know where Captain
Williams was at the moment of
Collision when I went to sleep
he was in his cabin - five minutes
after I got out of the Captain the water
Came in at the stern - the Spar
deck was put under water by
the flow - I should say it was about
ten or twelve minutes after I awoke
that the vessel sunk - I have been
at sea twenty two years - I held
a commission during the late
war

War as a volunteer Lieutenant in the U S. Navy.

To Mr Barnard - I did feel the ship roll - but I have no idea how many time she rolled before settling down - she rolled slowly - I have no idea to which side she rolled first - I should say that the first gun I heard was fired five minutes after I awoke - between the first and second guns a minute elapsed - it may have been more Captain Williams walked to the bridge & did not see the Bombay at any time

To the Court the Lights was burning in the cabin when I looked down to see if the Captain was there - there was a Messenger boy down in the cabin - and no one else - I looked down directly I got on deck - when I left the Cabin the water was not coming into the cabin itself - the Cabin boiler was always shipped at sea - I live with the Captain I heard three guns ~~&~~ two were fired on the Star board side and I cant say where the other was fired from. Captain Williams was on deck when the ship left the anchorage - I dont know whether he had been on deck while

while the officers were at dinner - I dont know when the Captain ~~the~~ left the Captain - I did not see the doctors boat leave the ship - I was in the starboard main rigging. I did not notice at the time whether the rudder head was gone - the last gun was fired 4 or 5 minutes I should think before the ship sunk - when I came on deck, the Doctors boat was at the davits - I didn't see that boat anywhere except at the davits - I ~~didn't~~ - when I came to the surface - I saw a great many heads - I have been on the Oneida ~~since~~ since the 16th of last April - Since that time I have messed and lived with the Captain - while I was in the rigging, the Kanonsaki light bore almost on our Starboard beam, I should judge that the ship was heading almost for the Spit - I didn't notice anyone else in the Cabin with me when I awoke from my swoon - I was not carried on deck - Captain Williams had been on shore - sick - for two or three weeks before the vessel sailed - I heard no order given to take to boats - or cut away spars - to prepare for wreck in any way - I didn't notice any spars floating about when I came to the surface - I was in the water about 3 minutes I think - The boat left almost directly

I had

No. 7. I had been handed into her.

Signed W. H. Cronningshield

Serge: Ist Lieutenant of H.I.R.M's ship "Vyadnichi" Sworn. ~~States.~~ I am a Russian. I am a Lieutenant in the Russian Navy. on the evening of the 24th of January last - at about 10 minutes to 4. I was on the deck of the "Vyadnich" in this Harbour, at about 4 o'clock I was below and heard the sound as of a gun but I am not aware if it was a gun so that I didn't pay any attention to it - at 10 minutes past 4. I heard distinctly a gun to this gun I paid attention I thought it was the mail coming. bye and bye I heard another gun - but so uncertain was I about the sound and knowing that these guns may be from any Man of war I didn't speak to any one about it

To W Barnard - I cannot swear that those guns - were not from Geds. I dont know that I being in harbour have ever heard the guns of any of the Men of War - when they go out to practice at Kamida bay - cross Cronstadt that it 16 Miles from Peterborough and I have often heard guns fired at Cronstadt while I have been in Peterborough, so that I say that it is possible to hear a gun 10 miles off - in strong.

2. 8.

Strong breezes - when firing salutes in the Harbour I have noticed that the 9pr gun - is sometimes not heard - I heard guns - but I dont know if they were the "Bombays'" guns - I heard two guns between 4 and Halfpast 4 - say at about 1/4 past 4 - some ten or twelve minutes elapsed - between my hearing the sound as of a gun and the first decided sound of a gun - perhaps two or three minutes elapsed between the sounds of the two distinct guns - I saw no rockets go up - I was below

To the Court - It is my opinion that it might be possible to hear the sound of a gun fired dead to Leaward of me at a distance of eleven Miles off with a six pound Charge and a Top gallant sail breeze blowing

Signed Lieutenant Serjeantsman

The evidence of another witness to exactly the same effect as the above was offered by Mr. de Long - but not Considered Material to be heard by the Court

Mr de. Long here states. I offered to prove by Mr. Sheppard Consul at Yedo - Mr. Farrington and my own oaths

oath that at about the time the "Oneida"
is said to have sunk I was setting
in my library in Company with my
wife we all heard and counted
3 Cannon shots following each other
and at the time we spoke of it to each
wondering what it could mean and
further evidence of General Lyons and
other residents as to their having heard
heard them is also offered

Mr Barnard in reply remarks that
he makes no objection to any evidence
being brought forward by Mr de Long
but that he is prepared to bring forward
two Lady passengers by the Bombay
if necessary and also several residents
to prove that they did not hear any
guns that night

The Court decided that no further
evidence on this point was required

Nicholas Anderson. sworn. states.
I was an acting boatswain on board
the U.S.S "Oneida" I was on board her
at the time of the Collision on the 24th
of January between six and ½ past 6
on that evening - I stood forward by the
brake of the top g'allast forecastle
I heard a man on the cathead
sing out - light ho - the Officer of the
deck answered and said - where
away - the look out said right
ahead

ahead Sir. I went below to put on some warmer clothing I stood below about fifteen or twenty minutes and came on deck again and stood on the top step of the Ladder. I heard the Officer of the deck say. Starboard I looked over the starboard bow and saw the loom of a vessels rigging between two and three points on the starboard bow. I could not see any lights at all. nor could I all the hull of the ship. I stepped down on deck and stood looking at her all the time. as she bore a little abaft our fore rigging. I heard a man on board her sing out hard a starboard she immediately struck us on our starboard quarter abreast of the Mizen rigging. I went aft as far as the bridge and saw Mr. Stewart come running on the Bridge. bare headed. he gave me orders to call all hands to shorten sail I then heard him call out. "Ship ahoy lay by us. I piped hands to shorten sail. I then saw the steamer on our starboard quarter very close to us the navigating Officer sung out clear away the relieving tackles. that being my station I went aft. to see that done. I got abaft our Cabin hatch when I heard our steam whistle

begin

No. 11.

begin to blow - I staid aft there some time till I got a man to bring me a light so as to enable me to see when I looked I saw that the starboard side was all crushed in and found all her Stern Tackle had disappeared I couldn't find any rudder - I went forward to report that to Mr Moldan and in going I heard enquiries made for the Gunners Mate. I went forward but couldn't find Mr. Moldan - then I went aft again and while there I heard one of our Starboard guns fired - when I went on deck I heard some one call out "lower away that boat" It was our port quarter boat - I went up on the netting and laid hold of the forward boat fall - the after fall was lowered and the forward one was cut - as I stood on the Hammock netting I saw the water jetting out of our Cabin hatch - and that the ship was settling fast - I saw the Boat was about to leave - and I jumped into her I missed the Boat but was hauled in - she swung round and whilst astern there I heard two more Guns fired - the ship was going down fast then - the men in the boat got their oars -

ours out. and we were about to pull to the ship - when some one saw a junk and it was proposed to go for the junk and bring her back I could not see a junk and while pulling for that junk I saw the ship go down Stern first, we were about 4 or 5 minutes looking for the junk - when we steered round to were the Ship had been, thus facing up channel, we saw a red light which appeared close to us. the light disappeared in about ten Minutes, as near as I could judge, the boat was making water, and a man sung out pull for shore - we landed at a little village down the bay, and I with the rest followed Dr. Luddard up to the settlement -

To Mr De Long when I came from below - I stood at the DF of the ladder abaft the foremast - that ladder led from the berth deck to the spar deck the brake of the forecastle - and the Hammock netting prevented my seeing the approaching vessel from that stand point - I did not see the light of the vessel then - when I heard hard a starboard from the other vessel - I did not hear any order given on board the Oneida - I saw the pumps manned when I left the -

the Ship the water was a little abaft the mizen mast the stern being in the water - we pulled for the red light which we saw - I at at first took it to be the light ship but I saw that it couldnt be I dont know what it was - I cant say how long this was after I had left the ship - when I saw the steamer approaching, I should say she was from ¼ to ¾ of a mile off - as near as I could judge, I should think she was two or two and a half points on our Starboard bow. I only heard a hail once I believe - I did make search until I satisfied myself that there was no tiller nor rudder head on the ship - I did not report that to Mr Moldan, I couldnt find him

To Mr Barnard I cant say how long before the Collision I saw the ship - I was busy - I cant say at all how long it was, it was minutes, but how many I cannot say - I did not see only her bright light - I could see her riggings, and thus I knew it was a vessel - I Cant say how soon after I heard hard a Starboard it was that the Collision occurred - after the Collision, I know the sails was clewed up, I was not clewing

- up -

up the sails but looking for the tackle
I dont Know if anyone fell overboard
that the boat was prepared so—
quickly— It was some one in the
stern sheets — who said he saw a
junk — I was forward in the boat
— I did say that I could not see a
junk, and that I recommended
that we should stay by the vessel
and not pull away two others
in the boat agreed with ~~Butte~~
me — One of them is named Buttery
the other I dont Know — I thought the
boat would carry more men,
which was the reason I wanted to
stay alongside — she could have
carried 30 men in case of
emergency — the boat was perhaps
30 Yards from the "Oneida" when
the conversation took place —
it took place just as we commenced
to pull from the Oneida — A man
Called Lyons steered the boat —
the doctor was in charge of the
boat I believe — neither he nor the
other two Men said to the doctor
that we could not see a junk —
and had better go back to the ship
the Oneida had gone down when
the —

No. 15. the conversation took place. I saw no spars nor any portion of the Ross floating about. I saw no persons swimming about, or floating on the surface: we were too far off to have seen any heads - or men swimming - when I heard the order "Starboard" given on board of our vessel - I was not on the deck but on the Top step of the ladder I did not see the ship before starboarding the helm and therefore dont know how she tore - after starboarding the helm she tore 2½ points on our bow - I didnt notice the Oneida rolled much after the Collision she made a steady roll over to starboard - our boat did make water though the plug was in - she made water fast - there was surf at the place where we landed there were also rocks about we landed on a sandy beach - the boat was not damaged by striking any rock in landing

Re-Ex To Mr. de Long. I immediately after hearing the order to Starboard our helm I looked up and saw the Bombay 2½ points on our bows - the ships head might have been affected a very little after that order was given and

No. 16.

and before I saw the Bombay - I cant say whether I heard an order from the forecastle to port the helm - 6 timbers in our boat was broken and one of her side seems had cracked open some 1/4 of an inch for a distance of about 5 feet - I didn't see any bailing in the boat - I didnt hear Dr. Sudard give any Command or make any suggestion while in the boat -

To the Court - I did not before going below go and look out at the light ahead of us - the Boatswain's Mate of the 6th Watch is saved I think his name is Lyons I saw the Bombays rigging from the Top step of the ladder - she must have been 1/2 or 3/4 of a Mile off I think I dont think she had said on at the time - our reliving Tackles, were kept hanging right aft - under the poop - the tiller was on the Spar deck there was another one in the Captains Cabin - I did not go below to see whether the tiller below was left after the Collision - I dont think it possible that the red light which I saw from the boat could have been the Oneida's light - after the sails had been set - I was busy

steering

Oct. 17. Securing everything ready for sea - I
mean lashing gratings &c. and seeing
that nothing was adrift - I heard
no orders from the Oneida's deck
to the boat in which I was - I heard
three guns fired from the Oneida -
I believe the fore top sail was set
when the Oneida went down - I cant
say if the Head sails were hauled
down or not. as I afterwards found
out, I believe it was my duty to have
taken charge of the boat. but I didn't
know at the time - I didnt had I known
that I should have remained alongside
the Ship - had I seen a junk I should
have pulled and taken her - I did
not report to any one else that I could
not find the relieving tackle I received
no other order of whatsoever kind -
after being told to look for the relieving
tackle - I was not ordered to leave the
Ship in the boat - I did not report to
any one. in the absence of Mr Moldaur
the state of the rudder or helm nor
did I ascertain if the spare tiller was
standing or not - I heard no orders
given at all. after the collision, except
to shorten sail - as I was looking for
the relieving tackle. I didnt cut any
spars or gratings adrift before the ship
went down - It did not occur to me

to me to do so I am perfectly certain - that the answer to the Officer's inquiry where away, the Answer was right ahead, Sir, the look out man who reported it is saved. I don't Know his name. Mr. Stewart was on the bridge on the Starboard side when I heard him sing out - "Ship Ahoy stay by us - I saw Mr. Stewart go direct from the hatch to the bridge - he did not get on to any arm chest - I can't say if there had any light issueing from the breach in the vessel - there was a light in the Captains Cabins - When I went aft - I believe I only heard three guns in all - I saw two men and heard Captain Williams on deck - and there was one man below lifting him up through the Ladder way - that was when I went aft to look for the relieving tackle - he asked if anyone was hurt but I didn't hear any answer - drew to him - he didn't appear to be hurt himself

Signed Nicholas Anderson

adjourned to 1.30 p.m.

Proceedings

No. 19. Proceedings resumed at 1.30 p.m.

Albert Ruggart sworn State. I belong to the Oneida and was on board at the time of collision. My rate was that of seaman - and I was at the wheel at the time of collision. I was at the weather wheel on the port side of the deck - there was a Quarter master along with me - his name was John Moran - and Lyons was on the Star board wheel. neither of these men were saved - I didnt see either of them after the Collision - I went on the wheel at 6 o'clock on the 24th January when I took charge of the wheel the helm was Amidships and the ship was on her course - I came at the wheel at 6 o'clock - the course was given to me. S by E 1/4 E - awhile after that ~~the~~ a light was reported about a half a point on the starboard bow - the Officer of the deck answered verywell - the ship was reported a second time, the second report was that the ship was coming right for us - the Officer told me to starboard

My

No. 20. my helm - the Officer was Mr Yates - I brought the ship up to Sandy Point the officer of the deck told me to steady and let her come up on her course again - the ship was reported a third time - that report was that the ship was a point on our starboard bow - the officer told me to starboard my helm again and after I starboarded my helm - I saw the mast head light about five points on the Lee or starboard side of the forecastle - I kept the wheel astarboard - until the ship struck us - either the Officer on the forecastle - or the Officer on the deck told me to put my helm hard port, this was a little bit before the Collision, I had no time to put my helm a port while I was in the act of doing it the ship run into us - the Collision Capsized me and the wheel and all on to the port side of the deck - a man that came from forward lifted me up from the deck and brought me under the main Rigging - I could stand very well on my legs - I went aft again to see if anything was left of the wheel - or the relieving tackle but

No. 21. but I couldnt find nothing, and could not steer the ship anymore - an Officer who came out of the ward room told me to go to the pump on the spar deck underneath the bridge - at the same time I heard Mr Stewart call out to the other ship to give us assistance, singing out "Ship ahoy" the ship was not far away from us then - I went to the pump to try and pump the ship out - the steam whistle was blowing as I went to the pump - the steam whistle was stopped and No 1 Gun on the Starboard side was fired three times one after another - with an interval of say thirty or forty seconds - between each - after that the steam whistle was started again but it stopped of itself - when the water came up and washed me off the deck - and I swam to Mr Gales boat

To Mr. de Long when the ship was first reported - she was reported as about a point on the starboard bow - the second time she was reported about a point and a half on the Starboard bow - the third time she was -

was reported as coming right for us,
I couldn't see her at that moment
but after I obeyed the order given me
I could see her about 4 or 5 points
on the starboard bow — no report that
I heard was made as to her being dead
ahead — the rail was too high for me
to have seen the other Steamer's side
lights — Mr Stewart hailed three or four
times — I heard him only singing out
two or three times — he stood right
on the Quarter deck amidships as he
hailed — the wheel was broken all
to pieces — the poop Cabin went overboard,
I couldn't look into the Captains Cabin,
I did not see the Captain come on deck,
Mr. Phelan ordered me to the pump — I
dont know who blew the whistle — I
am certain that the whistle was stopped
and then turned on again after the three
guns had fired — I sat down for a
bout a minute after being carried
forward from the wheel — I could see
no rudder head — but I can't say that the
rudder itself was gone or not —
I dont know what became of the
Quarter master and the other man at
the —

the wheel - I dont know what became of them - I heard a voice on the Bombay - but could not distinguish what was said that was after the Collision no answer was given from our ship to the Bombay's hail - the hail from the Bombay - came before Mr Stewart hailed, just at the time of the Collision, after the Collision we clewed up the fore top ballant sail - and the topsail, and set the topsail again - I dont know any thing about the main topsail - I didn't see any man injured or wounded on board our ship - I was working at the pumps till the water carried me away - after I got into the water I could'nt see any one in the water - but I heard plenty of them crying out to the boat - all those whom we saw we picked up - Mr - Yates got into the boat before I did

To Mr. Barnard - I dont carry a watch in my pocket - I suppose it was about 3 or 4 minutes after the Collision that the first gun was fired - the Stern was settling down when I heard the gun fired, it began to settle down

When

224. When we were first struck, I was hit on the Knee when the ship struck us, and have been on the sick list for 5 or 6 days on board the "Idaho" - I was not to much hurt to work at the pumps under the circumstances such as those we were in - I saw straight from the stern of the ship (after having once returned below) to the pumps - the Oneida was about 16 or 17 Minutes above water after the Collision - during those minutes I saw no red lights - I saw the ship that went away from us - I saw her stern, after I went to the pumps I did not look anymore at the ship - while I was at the stern I was looking after the ship to see if she would come back - the Quarter Master was at the Wheel with me - the *foresail ~~was set before the Collision~~ was set before the Collision - the buntlines were not all hauled up - I Cant explained how the officer on the bridge could have seen the light in spite of the foresail - I dont believe he could - but there was an officer on the forecastle

who

 Who could

To the Court when the other vessel struck us - the Oneida's head was about S. E. Mr. Yates was in the boat before me - I didn't sink and come up again. It was a good while after I took the wheel - that a light on the starboard bow was reported - I am certain that I heard that order given from the forecastle to the bridge - I couldn't recognize whose voice made those reports - when I saw the Mast head light of the steamer I think she was a good ¼ of a mile from us - I could not see any part of her hull - or rigging - or mast - I am sure I only heard Mr. Steward call "ship ahoy" - I did not hear him say stay by us You have cut us down the stern was plunk with the water when the guns were fired - I did not hear one gun fired in advance of the other three - I heard no report given as to what lights were seen on board the other steamer - I supposed the ships were two hundred

Yards -

No. 26.

Yards apart when Mr Stewart hailed the Bombay - his hail was not in reply to a hail from the Bombay" - it did not occur to me to look if the second tiller was carried away or not - I cant say how long a time elapsed between the time when I heard the first report, and the time of collision the first report was given some time before the half past 6 hail - The Collision took place a good while after the ½ past 6 report hail - I believe the last report was given after ½ past 6 - when I saw the Bombay stern after the Collision - I did not see any foam as of her screw going round - I did not hear any noise as of Steam being let off - or as of her Engines going round - I was not close enough to see whether she was actually under Steam or not.

Signed Albert Rugan

William Britteny sworn states - I belonged to the Imeida - I was stationed on the starboard Cat head on the look out at the time of the Collision with the

Bombay

27. it was between 6 & 6½. I saw a Mast head light. right ahead of us. I reported it to the Officer of the forecastle who reported it to the Officer of the deck. The first time I saw her I saw nothing but a Mast-head light. I made another report after that. say about 15 minutes, as soon as I could see one of her side lights I saw her starboard light. a green light, between ½ point and a point on our Starboard bow. I reported that, about a minute or a minute and a ½ after that I reported her about 4 or 5 points on our starboard bow and coming right for our Starboard side lights. I saw then her Mast head light and her starboard side light. When I first saw her I could just distinguish her Mast-head light. about fifteen minutes after that I saw her two lights, and she was I suppose about 4 or 5 mile from us. when I made the last report, I should say she was a quarter of a mile from us, but I dont know exactly. I saw Ransnake light before I saw the Steamer's light. When I first saw

the

28 the Steamers light it was to the left of Kannonsaki light - Kannonsaki light was on our Starboard bow - the second time I reported her, she was to the right (W) of the Kannonsaki light - at no time did I see the red light of the Bombay - The Midshipman of the watch was on the forecastle with me - besides other Cooks mate but none are saved but myself - the Midshipman of the fore-Castle gave exactly my reports to the Officer on the bridge, after satisfying himself that what I reported was correct - I am in my thirtieth year, and have been at sea 16 or 17 years

(Signed) William Rutley

William Robert Daly (sworn states) I am Lloyds Agent at this Port - the steward of the "Bombay" - did bring me a message from the Captain on the night of the 24th of January - the steward gave me the Captains Compliments, that he had had a slight collision with another vessel Coming up the bay - and that he would be

29. be on shore tomorrow Morning—
the steward did not tell me what
the ships name was

Signed H. R. Dalziel

Mr. De Long. and Mr. Barnard —
addressed the Court—

Decision Reserved

9th day

The Court reopened. Friday the 14th of February 1840 -

Llewellyn Styles. Dawson Lieutenat H.M.s "Sylvia" sworn states - I remember the morning of the twenty fifth January - the Sylvia went to sea that morning to look for the wreck of the Onecda - I remember Mr. Yates of the "Oneida" Coming down into the wardroom of the "Sylvia" - in the course of Conversation he related the circumstances of the Collision between the Bombay and the Oneida - & cannot recollect the details of the narrative which he told us - he stated that he saw the lights - not the Ship - I didn't hear him say what light he saw - he told me that upon seeing those lights, he ordered the Helm to port, he didn't give me to understand - at what length of time previous to the Collision this order was given - he didn't say that he starboarded his Helm at any time, he said that Mr. Roldam

and

and the Captain ordered him to Star-
-board his Helm - from what I
understood, this was before the Collision
took place, and after he had seen
the lights - he said that the Captain
and Mr. Moldam corrected him and
said allway Starboard, this way
After he himself had given the
order to port - he didnt express
any opinion as to whose fault the
Collision was - I didnt hear him
find fault with the handling of the
Bombay nor with that of his own
Ship -

To Mr de Long I didnt see Mr Yates when
he first came on board - I saw
him in the ward room - he appeared
to be very excited fatigued and
moved - he appeared ill, and as
if he could hardly realize the
Calamity - while the above con-
-versation took place - Mr Yates
was addressing himself particularly
to Lieut Gambier - I could not say
exactly who else among the Officers
of the "Sylvia" were present - there
was a Safe in our wardroom -

after

After his tiffin Mr Gates lay down and went to sleep on that Sofa - This Conversation took place while he was waiting for tiffin and during tiffin time - I am not sure whether Lieut Lyons and Lieut Anthony were present or not - they were on board at the time - but I cannot recollect if they were in the Wardroom - Lieut Schomin of the Russian Corvette was present ~~present~~ at the time of the conversation I cant remember what the first thing I heard Lieut Gates say was - about the first thing I can recollect him saying, was that he was the only surviving Executive Officer of the Oneida - I dont know what was said in reply to that - I really Cannot remember what was the last thing said, it was so long ago - I can remember that Mr Gates gave us a narrative of the circumstances - I remember Lieut Jenkins asking Mr Gates how the Collision

Collision took place — he described the occurrence as I have already said he said he was the executive Officer on deck, that when he saw the Bombays lights he ordered the helm to port — that the Captain and Mr Holdan corrected him and ordered the helm to starboard, and said always starboard, he described that the Bombay struck the "Malda" on the quarter — he described the bravery displayed by some of the Officers — that the assistant Engineer refused to leave the Engine room, the manner in which the ship sunk, Captain Williams refusing to leave the bridge how he himself had been overboard, how he got ashore to the Japanese Village, the difficulty he had in procuring food, and his meeting the next morning ~~the next~~ Morning the Officers of the "Idaho" that is all that I remember — Mr Yates himself having said — I heard Lieut Gambier say to Mr Yates, I heard that Captain Williams was ill, how was

.5.

how was it that he was on deck at the time of the Collision - Mr Yates said he was carried on deck at the time of the Collision - I remember Lieut Estorinn asks when he saw Mr Tullock last - but I dont recollect his reply - I remember Mr Campbell saying to him that he advised him to say nothing more about the Collision, but to put it on paper, and lie down, and go to sleep - I dont think I remember any thing more - Mr Yates did reply to Lieut Estorinn but I dont remember what he said - I did hear his reply but it has not impressed itself on my memory - I didnt know Tullock, and didnt regard Mr Yates reply to a question about him. I think it was the same evening at the Naval Hospital that this Conversation was alluded to by me - Mr Maxwell of the "Sybille" - and Lieut Royse of the Pearl was present. I Cant answer that I told them word for word what I have now said, but certainly the substance of what I said was the same - I certainly remember Mr Yates saying that Capt Williams

Captain Williams had been on deck at the time of the Collision - I didn't hear that Captain Williams had been on deck before that time - It was at this time that I understood Mr Yates to say that Captain Williams had corrected him and I understood that it was in order to avoid the Collision - I only give you Mr Yates's words - I understood him to say that Captain Williams and Mr Moldaun had given the order to Starboard in order to avoid the collision - but when questioned he replied that Captain Williams was carried on deck at the time of the Collision I thought this statement was strange at the time and as I said before Mr Yates appeared to be confused - I had no particular object in questioning Mr Yates - I was anxious of course to hear the circumstances of the Collision - I did not carefully note what Mr Yates said - at the time Mr Campbell spoke to him - Mr Yates said - I am not speaking before a court, but to Gentlemen and Officers, and I don't expect what I say to be

No. 7.

be repeated - I was in no way excited at the time - it is quite possible that I may not remember, or remember incorrectly portions of the conversation I didn't hear Mr. Yates say anything about Captain Williams having been in his Cabin - I cannot say whether I understood Mr. Yates to have meant that the order to Starboard was given before or after Captain Williams was carried on deck - I don't think Mr. Yates stated that he gave the order to port in order to avoid the collision, or that Captain Williams gave the order to starboard in order to avoid the collision

Signed L. S. Dawson
Lieutenant

James Campbell Paymaster of HMS "Sylvia" Sworn states. I Know Lieut Yates of the Oneida. I remember his coming on board the "Sylvia" on the morning of the 25th January - the doctor of the Oneida was also present - I took more notice of what the doctor said than I did of Mr. Yates Conversation - Mr. Yates was talking about the accident

accident, but I cannot recollect what he said - I remember advising him to lie down on the locker and go to sleep, and to say nothing more about the collision - I thought he was suffering from mental excitement - the doctor said that just before the Collision - he heard an order from the forecastle. Port, and then that an order to starboard was given by a Officer on deck - the doctor was not at all excited at the time he said that the order to starboard was given from the quarter deck of his own vessel, I think he even said. that the Officer of the deck had given it - I dont think it possible that the doctor could have said - that he heard the order starboard from the deck of the other vessel - I fully understood that it was from the deck of the Oneida

Signed James Campbell
Pay Master

Frederick William Gerard Lieut R.N. Sworn
Sylvia Sworn Stakes. I recollect Lieut Gates coming on board the Sylvia, the morning after the Bombay and Oneida had come in to Collision

I dont-

Q. I dont recollect his describing the circumstances of the Collision, I dont Recollect if he said anything of what had taken place on board the Oneida before the Collision. I recollect nothing at all of what Mr. Yates said. I was on deck most of the time that he was on board

Signed Frederic H. Girard
Navigating Sub Lieutenant

James William Gauntlett 1st Lieut of H.M.S Sylvia Sworn states I remember Lieutenant Yates coming on board the 25th January. I heard him at different times while on board, relate the circumstances of the Collision between the Bombay and the Oneida. Mr. Yates story to me was that when he saw the lights ahead, not specifying any particular colored light, he ordered the helm to be ported. I asked him how long he saw the lights before Collision occured and he said about 20 Minutes. He then said that the Captain and the Navigating Lieut came on deck

or

on where on deck and ordered the helm to be starboarded - Mr Yates remonstrated, thinking it was dangerous, and the Captain then said starboard Mr Yates, you'll keep your helm a starboard - that is all that I heard Mr Yates say myself -

To the Court - I mean to say that Mr Yates told me that the Captain and the Navigating Lieut - had come on deck and ordered the helm to be starboarded before the collision occurred - I didnt ask Mr Yates the questions as to how the Captain came on deck, but it struck me at the time that it was curious how the Captain and Navigating Lieut - had suddenly come on deck - this conversation took place in the Wardroom, I am not sure if Mr Yates was at Luncheon or not at the time - I didnt hear Mr Yates say anything about Captain Williams having been carried on deck. I was only in the wardroom for a short a quarter of an hour the whole afternoon - It is possible that I might have asked how

Captain

Captain Williams came on deck, seeing that he was sick, but I dont recollect having asked it - I remember that the Doctors gave exactly the same account as Mr. Yates, and saying that he heard the order to Port given himself I dont recollect that he stated at what time this order to port was given, whether long before the Collision or not. I gave an account to Mr Brunton of how the Cause of Collision had been described to me. by Mr. Yates, also of what I had heard the Bombay's account was - but Mr. Yates had only told me that he saw the Bombays lights, not specifying what colored lights - Mr. Yates did not mention the bearings of the Bombay when he saw the lights, but the impression on my mind was that he would have done right in Porting when he said he received orders to starboard his helm - I am sure that this Conversation had reference to a time previous to the Collision - if I am now told that

Captain

Captain Williams was not on deck till a few minutes after the collision, this fact would not in the slightest degree shake my conviction that I understood Mr. Yates to say that Captain Williams had given him the order to starboard his helm before the Collision - Considering the time which has elapsed, my memory may be at fault in detail, but not as to the general outline of the subject - I am clear that Mr. Yates said, the Captain and Mr. Woldam had ordered him to starboard his helm, and it must have been before the Collision took place, as there would have been no good in giving the order after it - at the time of this conversation, Mr. Yates appeared to be exalted from the fatigue he had endured, and I did not attach much weight to what he said - I heard that Mr. Yates had contradicted himself, and I was not astonished, considering that he was surrounded by Officers of all Nations, all asking him questions at the same time, besides, he had

Gone

13. he had gone through so much hardship and anxiety that I saw his manner was strange, I thought he required sleep and rest.

Signed. James W. Gambier
Lieut R.N.

The Court here expressed its entire satisfaction that the reports which had been made regarding certain statements which were said to have been made by Mr. Yates on board the Sylvia were without foundation, and that no further evidence was required on this point

Upon hearing this expression of the Court's opinion, Mr. de Long stated that he would call no evidence, as had been his intention to refute the report of what Mr. Yates had said, and for the same reason declined to Cross examine the witness

Decision

The questions before this Court are

1st was the injury sustained by the Commercial and Oriental Steam navigation Company ship "Bombay" brought about by the fault of her Commander Mr. Eyre

2ndly After the Collision had taken place between the steam ship Bombay and the United States Corvette Oneida, what was the conduct of the master of the former vessel.

To enable the Court to decide the first question - we have before us shortly the following evidence

Mr. Eyre. States that at about 6.30 pm (Corrected time) on the 24th of January last, having passed the light house - situated on Kamonoaki, his attention was called to the fact that a vessel was approaching him on his port bow he thereupon looked through his glass and perceived a bright light ½ a point on his port bow, and immediately afterwards he saw the two side lights of the approaching steamer. he imagined that this Steamer (which it is ascertained was the U.S. Corvette "Oneida") was about one mile distant from the Bombay, and

And he immediately gave the order to Port the Helm, thus shutting out the "Oneida's green light and opening her red light. Not content with this he gave a second order "Hard a Port" and turned on his Steam whistle - he supposed this to have occurred some five or six minutes before the Collision took place, which would place about a mile or a mile and a half between the two Steamers at this point - he kept his Helm "Hard a Port, until suddenly he saw the "Oneida" under full sail and steam standing across his bows - upon this he stopped his Engines, and then, seeing that a collision was imminent, put his Helm hard a starboard so as to bring his head round, and, if possible, pass the Oneida on her Starboard side. the attempt, however, proved ineffectual to avert the collision, and the Bombay struck the Oneida on her Starboard quarter. the Vessels seperated, and the Bombay's Helm was at once put to Port in order to clear her stern and Boats and save a second collision.

On the other hand, Mr. Yates, who was the Officer in charge of the deck of the "Oneida" on the occasion gave the Court a

totally

totally different account of the occurrence he stated that the Bombay's masthead light was reported to him by the Starboard look out man as being in sight some fifteen or sixteen minutes before the collision took place, say at about 6.20 p.m. by his own account and about ½ a point on his starboard bow. that at this time the Oneida which had been heading S.E. by S. was just recovering her former course, viz. S by E ¼ E. that the Bombay came round Kannonsaki, passing to starboard, and thus opening out her green light, still one point on his starboard bow. that at this time he thought the Bombay must have been 3 miles off, but that the Oneida was kept on her course, as both he and the Navigating Officer thought that the Bombay would pass to starboard. Presently (the Navigating Officer having left the deck) he saw the Bombay at the distance of about a mile off, three points on his starboard bow, and heading directly for his green light, the opening out of all three lights of the Bombay at this instant showing him that she was approaching him with a port helm. He at once gave the

the order to starboard, and then hard a starboard - he believed that he opened the Bombay's three lights some three minutes before the Collision, and that the vessels must have been about a mile apart at that moment

Now these two statements are entirely - irreconcilable, and though the Collision is accounted for by each of them. It certainly could never have occurred if both are correct - It is therefore necessary to look further - and see as how far each is substantiated

The statement of Mr. Lyre is borne out in all its material points by the evidence of the Pilot and chief officer who were on the bridge with him and also by that of all the officers of the Bombay who are able to testify to the circumstances with regard to Mr. Yates's statement however. the starboard look out man of the Oneida affirms, that at about fifteen minutes previous to the Collision he reported to Mr. Yates that he saw a Masthead light right a head, and that as soon as he could make out one of her side lights, he reported her green light between half a point and a point on the Oneida's starboard bow

bow - about a minute or a minute and a half after that) he reported the steamer (Bombay) about 4 or 5 points on his starboard bow and coming right for the Oneida's green light. but at no time did he see the Bombay's red light before the Collision took place -

The helmsman asserts that he heard the Bombay reported three different times by the look out to the officer of the watch, first "a point on his starboard bow" 2nd "a point and a half on his starboard bow - and thirdly as coming right for the "Oneida", that he received an order "Starboard", then "Steady", and then to let the ship come on her course again; after the second report had been made; and that after the 3d report had been made, Mr Yates again told him to starboard, after doing which he saw the Bombay's masthead light about 5 points on the starboard side of the foresail - that he Replied his helm hard a starboard until he heard an order given to port - and that as he was in the act of obeying this order, the two ships came into Collision -

Mr

It will thus be seen that the statements of Mr. Yates, the look out man, and the helmsman are more or less conflicting, but it may be gathered from them - that when the Bombay's three lights should have been seen by the look out man as well as by Mr. Yates, she was about 3 points on the Oneida's starboard bow, about a Mile distant, and Porting her helm. Mr. Yates states that at this moment he gave the order Starboard then hard a Starboard. if these orders had been promptly obeyed, the Court is of opinion that the ships could not have come into collision - but the statement of Albert Ruggett the helmsman, shows that the Oneida's head was about S. S. when she struck, by which it would appear that she had only come up about 3 points in 3 minutes, & that Mr. Yates orders could not have been promptly obeyed -

Hence it is impossible to account for the collision by the statements of the survivors of the Oneida if these are unreservedly accepted -

We are of opinion that when Mr. Moldaur said to Mr. Yates that he could not go away further to the Port or Eastern shore, and ordered him

him to resume his course, for fear of running on to the Saratoga Spit he should, Knowing that it was his duty to get out of the way of an approaching Vessel on his starboard side, at once have brought the Bombay on his Port bow and so opened out his red light instead of simply resuming his course. that if when a collision was seen to be imminent the same promptness had been shown by the Oneida in porting her helm as was shown by the Bombay in putting her helm hard a starboard, it might possibly have been averted, while, had it occurred, its effects would Certainly been far less serious. it is shown by the evidence of the Oneida's Officers that at no time was the Oneida's speed slackened after the Bombay came in sight, and that although the Bombay was considered to be persistently breaking a rule of the road by Porting, the Oneida helm was nevertheless kept to starboard, and thus the judgement required to be exercised in order to counteract the presumed Mismanagement of an approaching Steamer was not shown

These observations are not made as

a judgement upon the management of the Oneida which is beyond the province of this Court to consider, but simply in order to institute such a comparison as is necessary to show the ground upon which the Court arrives at its conclusion. If the statements of Mr Fyre, his Pilot and officers are to be believed, we judge that he was right in keeping on the starboard side of the Channel, and that he acted perfectly right in porting his helm as soon as he saw the Oneida's light on the Port bow. We judged that he should have slacken speed as soon as he saw the Oneida's lights, that he acted rightly, in stopping his Engines, that he had no time after stopping to reverse them, and that he exercised a sound judgement in starboarding his helm when he saw that a Collision was imminent. And that the Oneida helm was kept to starboard.

Upon a Comparison of the foregoing statements we find that the damage which has been sustained by the Bombay is in no way attributable to the default of her Commander Mr. Fyre

As.

As regards the second question which the Court is called upon to decide. Viz. the conduct of Mr. Eyre after the Collision had taken place, it may be observed that it has not been without long and serious deliberation among ourselves, and the most careful consideration of all the evidence adduced, that we have arrived at an unanimous decision

We find from the evidence before us, that on a dark and starlight night, the 24th of January last, the steam ship Bombay through no default of her Commander Mr. Eyre, came into Collision with the United States Corvette Oneida in the close vicinity of Saratoga Spit situated some ten miles from Yokohama

That the effect of this Collision on the Bombay was comparatively slight

That guns were fired from the Oneida as signals of distress from 10 to 15 minutes after the Collision took place

that the report of these guns was not heard, nor were the flashes seen on board the Bombay.

That after the Collision, the fact of the Bombay's having been sailed from the Oneida was reported to Mr

to Mr Eyre.

That Mr Eyre only Knew that some of the upper works of the Oneida had been Carried away and was unaware of the Amount of injury sustained by her.

That the Bombay was a Mail Steamer Carrying passengers and Cargo, and was built in Compartments, only one of which was reported to him as making water fast.

That the whole of the injury sustained by the Bombay was not ascertained till the day following the Collision

That immediately after the Collision it was not considered to be serious, for had it been so, it is natural to suppose that the knowledge of the Pilot would have been availed of, and the Bombay run onto the Saratoga Spit

That in our opinion no danger to the Bombay her passengers her Cargo was apprehended by Mr. Eyre.

That from the questions be asked the Pilot, he evidently thought that the Oneida might possibly have sustained serious injury.

That he waited at the most 5 Minutes after the Collision to see if signals

Signals of distress were made from the Oneida

That after his ship again proceeded he gave no order that a lookout should be kept in the direction of the Oneida

That had he or any one else been keeping a proper lookout, the flash of the Oneida's guns must have been seen, though their report might not have been heard.

Under all these circumstances it becomes our duty to pronounce whether in our opinion Mr Eyre was justified in proceeding on his Voyage without waiting to ascertain whether the Oneida was in need of assistance

We recognize the fact that he was placed in a position of great difficulty and doubt, and in circumstances under which he was called upon to decide promptly, but we regret to have to record it

it as our opinion that he acted hastily and ill advisedly in that instead of waiting, and endeavouring to render assistance to the Oneida, he, without having reason to believe that his own vessel was in a perilous condition, proceeded on his voyage.

This Conduct constitutes in our opinion a breach of the 33rd Section of the 60th Chapter of the Merchant Shipping act, Amendment act of 1862; and we therefore feel called upon to suspend Mr. Tyrè's Certificate for 6 Calender Months from this date

Kanagawa
12th February 1870

Signed Fred. Lander.
H.M.'s Consul
President of the Court
Arthur Pinkham Commander
H.M.'s Steam

David Moore Blaffs Commander of "Jeanie"
Lilfillan Master S.S. "Sultan"
Thompson Master "Rockcliff"

I hereby certify the above to be a true copy of the original minutes in the case.

H. Schmidt
British Consul
Kanagawa 17th February 1870.

U.S. Legation in Japan

Enclosure No 1.
with despatch No 23.
dated Yokohama February 22. 1870.

Recd 28. Mar. Mr Clarke
Asst

No 24.

Mr DeLong to Department of State

US Legation Japan. Yokohama. February 22. 1870

Subject.

Received dispatches from Department to No 8
inclusive. - also Circular of 10 November 1869.

Mr Farrington discommitted as Attaché & private
Secretary.

№ 24

Legation of the United States in Japan

Yokohama February 22. 1870.

Sir,

I have the honor to acknowledge the receipt of Your Despatches to № 8 of the 20th December last inclusive; and also of Your Circular of November 10. 1869.

In Compliance with the instruction conveyed in the latter Mr F.C. Farrington, who has accompanied me as Attaché & private Secretary discontinued himself from duty in Such Capacity.

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant

C E De Long

Minister Resident in Japan

The Honorable Hamilton Fish

Secretary of State

Washington.

Recd 28. Mar.

No 25.

Mr. DeLong to Department of State
US Legation Japan Yokohama February 23. 1870.

Subject.

"Loss of US Oneida"

. The propriety of detaining and criminally prosecuting Capt Pope and his officers informally pointed out to Mr Bellis Minister. - but without result. as they are now at large. -

No 25. Legation of the United States in Japan
Yokohama. February 23. 1870

Sir.

In addition to my despatch No 23 dated yesterday. I beg to inform You. that not fully authorized to take official action concerning the Course of Capt Cupe and others of the British Mail steamer Bombay, I informally called the attention of H Bellis Minister to the propriety of the detention and criminal prosecution of Capt Cupé and his officers :- but all have been allowed to depart from the

The Honorable Hamilton Fish
Secretary of State
Washington.

Country and they are now at large.

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant,

O C De Long

Minister Resident in Japan.

Rec'd 21st

acknowledged
Mr Chilton

№ 26.

Mr C E DeLong to Department of State.

Yokohama Japan March 4. 1870.

Arrival of a forcible wrecked in Japan for the Prince of Tago. - on more on Army out for the Prince of Tosa. - The Stonewall again in Commission. -

N° 26

Legation of the United States in Japan

Yokohama. March. 4. 1870.

Sir,

It has been unofficially
reported to me that an ironclad built
in England for the Prince of Higo
(Hossokawa) had arrived at Nagasaki
and would soon be delivered.

The tonnage of that Ship is
not mentioned, - She has proved to
possess speed and good seafoing
qualities. - She is iron plated to the
thickness of 4½ inches - three or four
feet above and also below the water
line. - She is also provided with

The Honorable Hamilton Fish
Secretary of State
Washington.

a

a ten-feet ram and her armament consists of two 100pounders and eight 68 pounders. - all rifled.

Another ironclad built in Holland for the Prince of Kizen is said to be on the way out. and expected at an early day at Nagasaki or this port.

The Stonewall hitherto in charge of the Prince of Kizen has apparently been transferred to officers of Prince Choshiu .. She is now anchored off this port and steaming up..

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant

C E De Long

Minister Resident in Japan.

Rec 21 Apl

Mr Pratt for in-
structions to Curtin

To Mr Curtin 26 Apl

Instructed Mr Curtin as
suggested by Mr DeLong.
Sent Mr DeLong that such
No 27. instructions are given

Mr Fillow

Mr C E DeLong to Department of State.

Yokohama Japan March 7. 1870.

Transmitting list of officers and men
of the Russian Corvette Vsadnick explor-
ing the Anvostok coast be despatched to Survey
Wreck of the Oneida.

Mr Joseph. V. Iwaobieff..

11 Enclosures,

27

N 27.

Legation of the United States in Japan

Yokohama March 7. 1870.

Sir,

With reference to my despatch N 17 of the 1st Ultimo, I have the honor to transmit herewith N 1. a list of those officers and men of the Russian Corvette "Vsadnick" by whose aid I was enabled to despatch the Aroostook to the wreck of the Oneida" N. 1

Prominent among them was Mr. Joseph P. Proxofieff the Engineer, whose untiring Zeal and unvarying

The Honorable Hamilton Fish

Secretary of State

Washington

Kindness

Kindness were unsurpassed. - Having no one
to relieve him his duties were very arduous
indeed - and I beg respectfully to recommend
that You will be pleased to cause some
Special acknowledgment to be tendered
for the services rendered by him.

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant

E D Long

Minister Resident in Japan.

List of Officers and men of the Russian Corvette "Vadrick" by whose aid the Arcotook could be dispatched to the wreck of the Oneida.

Captain Demitry Mikhaeloff.

Second Engineer. Conducter Joseph J. Prokofieff.

Machinists Alaffon Lestchelin. and Jacob Whoosberg.

Firemen Undrick Carro; John Lebedeff and Kassian Golovbeff.

Yes 21. Ap. acknowledge & approve

No 28. Mr. Chillon

Mr C.E. De Long to Department of State

Yokohama Japan. March 9. 1870.

Relative to postponement of payment of balance of Simonoseki indemnity date May 1872.. Joint action of Foreign Representatives interested under identical instructions from their respective Governments.

1 Enclosure.

No 28. Legation of the United States in Japan.

Yokohama March 9. 1870.

Sir,

I have the honor to transmit herewith Enclosure No 1. Copy of a letter addressed by me to the Japanese Minister for Foreign affairs in compliance with Your instructions, relative to the postponement of the payment of the balance of the Simonoseki indemnity

No 1.

Letter in every respect identical were sent on the same day by the Representatives of the three other Powers interested by whom similar instructions

The Honorable

Hamilton Fish

Secretary of State

Washington.

Has

had been received from their respective Governments.

I have the honor to be sir

Very Respectfully

Your most Obedient Servant

E. E. De Long

Minister Resident in Japan.

Legation of the United States in Japan
Yokohama March 7. 1870.-

No 1

Mon Excellence
Sawa Jésaunni Kiyowara Hoki Yoki
Terasima Jushii Fujiwara Mochinori
Ministre pr FA.

I have the honor to inform Your Excellencies that my predecessor transmitted to my Government the note dated the 2nd June last, which the Ministers for Foreign affairs addressed to him and his Colleagues the Representatives of Great Britain France and the Netherlands, requesting that payment of the remaining moiety of the Simonoseki indemnity should

&c.

be deferred until the 15th of May 1872.
and engaging, that if the Powers interested
would consent to this delay, and also
to relinquish their claim to interest
on the said money for the two years,
which terminated on the 15th of May
last - and also for the three years
terminating on the 15th of May 1872.
then the Japanese Government would be
willing to defer until the revision of
the Treaties in 1872 the collection of
duties on silk and tea, amounting to
the increased rates, named in the
Agreement, executed between the Japanese
Government and the Foreign Representatives
on the 1st June 1869.

I have been instructed to
inform the Japanese Government, that
the Government of the United States has

Considered.

considered this proposal in concert with the Governments of Great Britain France and the Netherlands, - and has determined to agree to it; - and I am accordingly instructed to inform Your Excellencies, that the Government of the United States has much pleasure in being able to meet the wishes and convenience of the Japanese Government in this respect.

It consequently devolves on me and my Colleagues the Representatives of Great Britain France and the Netherlands to exchange Notes with Your Excellencies, declaring on the part of our respective Governments, that the aforesaid agreement relative to the duties on Silk and Tea, which was concluded between the Japanese Government and the Representatives

of the United States, Great Britain, France
Italy and the North German Confederation
on the 1st day of June last is cancelled,
and that the present duties on those
Articles, being those named in the Tariff,
attached to the Convention of June 25. 1866
shall be collected, as long as the said
tariff, which in common with the original
Treaties is subject to revision in 1872,
shall continue in force.

It is incumbent however on
the part of the Foreign Representatives to add,
that in view of the repeated delays,
which have occurred in the payment
of the said indemnity, it becomes necessary
that the notes now exchanged between
Your Excellencies and the Foreign Representatives
should declare, that the present postponement
is final - and that the Japanese Government

will

will accordingly not fail to pay to the four Powers interested in the Simonoseki indemnity on the 15th of May 1872. the whole of the moiety remaining due; namely One Million five hundred thousand (1500000) Dollars. -

I have to request Your Excellencies to signify in Your reply Your consent to the conditions of this Note, and I avail myself of this opportunity to renew to You the assurance of my distinguished consideration. -

(signed) C E DeLong
Minister Resident of the United States
in Japan. -

Rec 21. Apl.. Mr. Chilton &
Mr E P Miller

No 29.

Mr C. DeLong to Department of State.

Yokohama. Japan March 14. 1870.

Louis Wertheimer Plaintiff
vs.
Maris Hoffleich and Simon Mayers Defendants.

Petition in error.

Judgment of Consular Court at Kanagawa
reversed and a new trial directed.

No 29.

Legation of the United States in Japan

Yokohama March 14. 1870.-

Sir,

On the 15th of January last. Louis Wertheimer as plaintiff filed with me a petition in error, a copy of which forms Enclosure No 1. N. 1.

Upon this a Summons was issued Enclosure No 2.. and a bond of costs N 2

was filed Enclosure No 3.. - N. 3

On the 19th of January defendant appeared and filed a demur. Enclosure No 4. N. 4

No 7.. The demur coming on for trial. the opinion and Judgment

The Honorable Hamilton Fish

Secretary of State

Washington.

of

of this Court was rendered thereon.

№5 Enclosure №5. - The defendants then filed an answer to the petition Enclosure

№6 №6. - The cause coming on for trial was submitted upon the

№7 pleadings and a certificate Enclosure №7. and a Memorandum made by defendants

№8 Counsel Enclosure №8. and there was followed by the delivery of the opinion and judgment of the Court reversing that of the Court below and directing

№9 a new trial. Enclosure №9.

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant.

O. D. Long

Minister Resident in Japan.

In the Ministerial Court of the United States for Japan

Kanagawa Japan Jan. 1870

Before Hon. E. C. E. DeLong
Minister Resident of the U.S.

Louis Westheimer
Plaintiff in error

against

Morris Hoeflich and
Simon Meyers, under name of
Hoeflich and Meyer, Defendants in error.

Petition in Error

The petition of Louis Westheimer the Plaintiff in error above named respectfully shows to this Honorable Court as follows, to wit

First: That he the said Plaintiff in error is a citizen of the United States and resident of Yokohama in Japan: and that heretofore: to wit on the fifteenth day of December A.D. 1869.

he commenced an action in the Consular Court of the United States for Kanagawa before Hon Samuel Lyon U.S. Consul for Kanagawa aforesaid. in which said action. he the said Plaintiff in error was Plaintiff and the defendants in error above named were defendants: for the recovery of money on a certain contract made and executed by the said defendants and indorsed to him the said plaintiff and and that he the said Plaintiff prosecuted his said action to judgement in the said Consular Court: and that the said Court on the 18th day of December A D 1869 rendered judgement in said action in favor of the defendants therein and against the Plaintiff therein: the said Plaintiff in error: all of which more fully appears by the certified transcript of the record and judgement in said action under the seal of the said Consular Court which is hereunto annexed, and made hereof a part and to which reference is hereby made

decreed = The said plaintiff in error says and shows that there was error in the trial of the said action, and that there was error in the decision made and the judgment rendered by the said ~~consular~~ Court in said action as specified more particularly as follows to wit:

1st error = There was error in that the said Court for the trial of the said cause was constituted and formed illegally in that the assessors were summoned and qualified by the said Consul before issue was joined and completed therein: and in that the said trial was illegally and improperly conducted by said Consul

Speci. 1st For that while in all cases involving above five hundred dollars the method of selecting and summoning assessors is by the law particularly prescribed requiring a list of individuals to be nominated to the Minister for his approval, yet the Consul in the said case contrary to the said provision of law

selected and summoned the said assessors of his own choice, and did not submit any such list to the Minister (See W. S. Statute approved June 22d 1860 Sec. 10. 11). Spec 2: And, that the law provides that "if the said associates or any of them differ from the Consul the opinions of all shall be noted on the record and each shall subscribe his name to assent or dissent &c" with the reasons. Yet the Consul in the trial of the said action decided several of the questions arising therein summarily, without any reference to the associates or either of them, and neither the assent or dissent of either of them on those questions raised by the Plaintiff in said action appear in the record of said action (See W.S.S. App- June 22 1860 Sec 10 " (also in transcript. 2d Error: That was error in that the demurrer of the Plaintiff in said action was overruled: 3d Error: That was error in that the witness Wertheimer was interrogated by the court as to the state of his account with Mr Schumann & Co

4th Error: That was error in that the testimony ~~was~~ of the witness Morris Koplick was received in evidence

5th error: That was error in that the said Court in its findings and decisions considered whether the contract upon which action was brought was a note or somewhere instrument in that the said Court considered the circumstances and the acts of the Schumann Co. the payees named in the instrument sued on: in that the Court considered the effect of those acts on the contract sued on: in that the Court considered what the value of the said contract was: in that the Court considered whether the Schumann Co fulfilled their promises or otherwise, and in that the Court considered other points and questions not in issue in the said action, ~~said~~ whereas the only one the Court should have considered was that made by the plaintiffs petition that portions of Defendants answer in set-defense

No. Three (3) and the reply of the plaintiff which may be stated in brief as follows. — Plff. in Pet.

" The Defendants are indebted to me to amount of "1500" Dolls in amount " we are not indebted nor obliged to pay him". Plff in reply " The Defendants are obliged to pay me

6th Error The Court erred in the judgement rendered by the Court in the said actions in that judgement was rendered and given again plaintiff therein and in favor of defendants therein.

Wherefore the Plaintiff in error prays this Honorable Court, that the said judgement rendered by the said Consular Court in the said actions as shown in the transcript hereto annexed and herein before referred to be reversed, and that this Court render judgement in favor of the plaintiff in error. the plaintiff in the said actions and against the defendants

in error, the defendants in said action according to the prayer of the said plaintiff in his petition in the said action, as it appears in the certified transcript aforesaid, & in for the sum of 1500 Mexican dollars ($1500) with interest thereon from the 20th day of October AD 1869 with the costs of said action, which said costs are taxed at thirty nine and 40/100 dollars ($39.40) in the certified transcript aforesaid, together with the costs of this proceeding, and for such other and further relief, as may seem to this Court just and equable in the premises

Louis Westheimer

Plff in error

by his Atty G.H. Hill

Kanagawa Japan. I, Louis Westheimer of Yokohama. (Kanagawa) being duly sworn on oath says that he is the person named as the plaintiff in error in the foregoing petition in error; that he has read the said petition in error and knows that the contents thereof, and the facts therein

stated as true of his own knowledge

(Signed) Louis Westhomberg

Subscribed and sworn to before
me at Kinnegania this 5th day
of January A. D. 1870

(Signed)

A. L. L. Portman

N. I. Justice of Inquiries

In the Ministerial Court of the
United States for Japan
Kanagawa Japan January 10/70

Before H. E. C. E. D Long Minister
Resident of the United States for Japan

Louis Westheimer
Plff in error
against
Morris Hosfield and
Orwin Mayers under
name of Hosfield & Myers
Defendants in error

Trespass

To the Honorable, the Ministerial Court
of the United States for Japan:

The plaintiff in error
above named Louis Westheimer respectfully gives notice to the said
Ministerial Court that he has
this fifth day of Jan. A D 1870
filed in the above named Court
his petition as error in the above
entitled cause, in which said

petition in error he the said plaintiff in error has alledged that there was error in the trial and judgement of the actions of the said plaintiff in error, heretofore. to wit on the 18th day of December a.d 1869 tried in the Consular Court of the United States for Kanagawa: and that the said plaintiff in error in this said petition in error prays that the judgment rendered by the said Consular Court in said action be reversed, and that judgement be rendered by this Court in favor of the said Plaintiff in error, according to the prayer of the plaintiff in his petition in this said action in the said Consular Court, with such other and further relief as to this court may seem just and equable in the premises

The said Municipal Court will please issue citation or summons issue to the defendants in error Morris Kupfish and

Louis Mayer to affirm and
answer in the trial of this
cause

(Signed)

Louis Westheimer

Plff in error

by his Atty G. A. Hill

LAW REPORTS.

U. S. CONSULAR COURT, CONSULATE OF THE U. S. OF AMERICA.

Kanagawa, Dec. 18th, 1869.

LOUIS WERTHEIMBER, *Plaintiff.*

versus

MORRIS HOEFLICH & SIMON MAYERS (under name and style of Hoeflich & Mayers), *Defendants.*

Present:—LEMUEL LYON, *U. S. Consul and ex Officio Judge.*

J. D. CARROLL ESQ.
G. W. HOYT ESQ. } *Assessors.*

G. WALLACE HILL, *Attorney for Plaintiff.*

PLAINTIFFS PETITION.

In U. S. Consular Court for Kanagawa, before LEMUEL LYON, *U. S. Consul*, for Kanagawa.

LOUIS WERTHEIMBER, *Plaintiff.*

Against.

MORRIS HOEFLICH and SIMON MAYERS (under name and style of HOEFLICH & MAYERS) *Defendants.*

PETITION.

1st.—The plaintiff herein Louis Wertheimber of Yokohama (Kanagawa) complains to this honorable Court of the above named defendants Morris Hoeflich and Simon Mayers, each of Yokohama aforesaid. For that heretofore, to wit, on the 30th day of October A. D., 1869 at Yokohama, aforesaid, they the said defendants Morris Hoeflich and Simon Mayers made there certain contract or agreement in writing with H. Schumann & Co. then doing business in Yokohama aforesaid, whereby they the said defendants agree to pay to the said H. Schumann & Co., or order the full sum of fifteen hundred mexican dollars ($1500.00) in consideration of the transfer of the said H Schumann & Co., to these defendants of the lease and Insurance of certain premises described as follows to wit. the house and compounds situated on lot No. 51, Main Street in Yokohama, aforesaid, and the further conside ration of two months rent of the said described premises according to the terms of a certain memorandum agreement in writing, then and there executed by the said defendants and delivered to the said H. Schumann & Co a copy of which said memorandum agreement is hereto attached and marked "A." and made a part of this petition.

2d.—And the plaintiff further says that the said H. Schumann & Co., then and there endorsed and delivered to the plaintiff the said memorandum agreement of the said defendants, and that he the plaintiff is now the owner and holder thereof.

3d.—And the plaintiff further says that the said sum of 1,500 mexican dollars is now wholy due and unpaid, and that the said defendants though requested by the plaintiff so to do, have not paid the same, nor any part thereof.

Wherefore the plaintiff prays judgment of this honorable court against the said defendant for the sum of 1,500 Mexican dollars with interest thereon from the 30th day of October A. D. 1869 together with the costs of this action.

(Signed) Louis Wertheimber, plaintiff, by his attorney, G. W. Hill

(Signed) Louis Wertheimber.

Subscribed and sworn before me, this 18th day of December, 1869.

(Signed) L. LYON,
U. S. Consul.

A

Copy of memorandum agreement $1500.

Yokohama, 30th October, 1869.

On demand we promise to pay H. Schuman & Co. or order the sum of fifteen hundred mexican dollars, if proper transfer is handed over of lease, insurance and two months rent in advance for house and compound situated No. 51 Yokohama.

(Signed) HOEFICLH & MAYERS.

(Endorsed as follows):

(Signed) H. SCHUMANN & Co.

In U.S. Consular Court for Kanagawa, Before Hon. Lemuel Lyon, U. S. Consul for Kanagawa.

Louis Wertheimber, plaintiff

against

Morris Hoeflich and Simon Mayers, (under name and style of Hoeflich and Mayers), defendants.

Precipe.

To the Clerk of said Court.

You will take notice that the above entitled action is commenced by the plaintiff for money due on contract made by the said defendants with H. Schumann & Co. and payable to H. Schumann & Co. or order and endorsed by the said H. Schumann & Co. to the plaintiff, who is now the owner and holder thereof, to wit, for the sum of $1,500 mexican dollars, and will forthwith issue summons herein to the defendant Morris Hoeflich and Simon Mayers to appear and answer to the plantiff's petition.

Sign. LOUIS WERTHEIMBER,
Plaintiff, by his attorny G. W. Hill,

Summons: N. S. Consulate Court
Kanagawa Dec 15th 1869.

Westbrooke
vs
Warfield Mayers

} Contract

To U. S. Marshal of the said Court: You are hereby commanded to summons Warfield & Myers if found within this Consular jurisdiction to be and appear before me at 10 o'clock A. M on the eighteenth day of December 1869: to answer Plff on a plea of debt wherein the amount claimed is $150 with interest and costs, & thereof not of this writ make due return.

Sgd. Samuel Lyon
U. S. Consul

Seal U.S. Consulate Kanagawa

endorsed copy of within summons and complt served on W. Warfield and Simon Mayer this 15th day of December 1869.

Sgd A. W. Denning
U. S. Marshal

To Geo. W. Hoyt Esq
J. J. Carrol
Gentlemen

Please take notice that your presence is required at this Consulate on Saturday the 18th inst. at 10 AM when if qualified you sit as assessor in the above action wherein the amount claimed is fifteen hundred dollars or thereabouts. By order of the N.S Consul -

Wm H Dryden
Clerk

Please sign Lee and return.

Signed G.B. Coyt
J. B. Connell

U. S. Consular Court, Consulate of the U. S. of America.

Kanagawa, Japan December 18th 1869.

Louis Wertheimber, plaintiff

versus

Morris Hoeflich and Simon Mayers (under name and style of Hoeflich and Mayers), defendants.

Before The Hon. Lemuel Lyon, U. S. Consul and ex-officio Judge of the above Court.

Morris Hoeflich and Simon Mayers the defendants in the above action being first duly sworn make answer and say in reply to the petition or bill of Louis Wertheimber the plaintiff in the above action and an which this action is based as follows, to wit:

That exception is taken to the said bill generally for the following reasons, viz.

1st.—Because defendants deny the right of plantiff to institute an action in law or equity against them without first having cause, and

2nd.—That no cause of action against defendants has been shown by plaintiff, for

3rd.—The petition or bill aforesaid of plaintiff is not only deficient of sufficient legal formality & devoid of proper interrogatories and without material cause for action as will more fully appear in the substance of this answer, but it has not been sworn by plaintiffs as required by law, and is therefore, if for no other reason, invalid and insufficient to justify this honorable court in proceeding with the trial and adjudication, for which plaintiff prays.

1.—Substantially the answer of defendants most respectfully is as follows, to wit:—As to the first count in the petition or bill of plaintiff, defendants admit that they entered into such agreement with H. Schumann & Co., of Yokohama, as that set forth and described in that count.

2.—In reply to the assertion contained in the 2nd count, defendants say that plaintiff is not the owner of the memorandum agreement therein referred to as will appear by an advertisement in the *Japan Gazette*, at Yokohama—a copy of which is hereto annexed marked "A," and is a part of this reply, and by which it will appear that the said memorandum agreement was outlawed, lost, or illegally and covertly concealed and withheld from the custody of its proper owner or owners. Further that in this count plaintiff has not stated that the indorsement to him by Schumann & Co., of said memorandum agreement was for a valuable consideration and not for the purpose, and with a view to defraud the defendants in this action or others.

3.—In answer to the third count, defendants deny that the sum of $1,500 is now wholly due and unpaid by them as charged in this count, for that the whole amount has been faithfully and promptly paid by them to those legally and equitably entitled to receive said amount in consequence of said memorandum agreement as will be evidenced and shown by copy of a receipt hereto annexed marked "B," and made a part of this reply. Therefore defendants are not now nor have they been at any time obligated to plaintiff or indebted to him in the sum of $1,500, or any other sum or sums, in consequence of the aforesaid memorandum agreement or conditional promise to pay, and are consequently justified in repudiating any and all claims made by him against them on account of said memorandum agreement.

4.—Finally defendants on their oath most positively swear, and declare that the memorandum agreement or conditional promise made by them to pay the sum of $1,500 to H. Schumann & Co. or order did not become due, and payable until the conditions therein named had each and all been fulfilled and accomplished. That until such fulfilment and accomplishment of said conditions was, had and received by the memorandum agreement could not be negociated, transferred or held by any person or persons as obligation to pay or evidence of indebtedness as no consideration had been received or payment guaranteed until it was received as will appear by the very face of it. Now this memorandum agreement aforesaid was made on the 30th October, 1869, and indorsed as plaintiff avers to him then and there by H. Schumann & Co. On the 5th Novr., 1869, just six days later, Schumann & Co. made an assignment of their business and estate for the benefit of their creditors and appointed H. W. Decison Esq. their assignee. About the 20th of that month the transfer of the lease at the instigation of Mr. Denison aforesaid, was sanctioned and signed by Robert Goddard, Esq., the owner of the premises described in said memorandum agreement and st about the same time a transfer of the Insurance Policy of said premises was effected at Messrs. Wilkin & Robison's, Insurance Agents, Yokohama, by Mr. Denison, assignee, aforesaid, with the sanction or authorization of said Mr. Goddard, the owner, and then defendants paid or caused to be paid unto said H. W. Denison, as assignee of H. Schumann & Co., the sum of $1,500 in consideration of the said transfer to them, and without any regard to the agreement entered into between defendants and H. Schumann & Co., before their assignment i.e. Oct. 30, and on which plaintiff now presume to claim, as they considered that said agreement was dissolved by the assignment. Moreover defendants further state that they have not nor do they expect to receive the 2 months' advance rent stipulated in the memorandum agreement, and which was an important condition for the payment of the amount specified in the said memorandum agreement, but as their arrangement with the assignee of H. Schumann & Co is regarded by them as a new transaction, it cannot be affected by the old one which expired when H. Schumann & Co., failed.

5.—Wherefore defendants pray for judgment in this action with costs, and that plaintiff be ordered to deliver the aforesaid memorandum agreement or conditional promise to pay into the hands of the assignee of H. Schumann & Co.

M. HOEFLICH,

S. MAYER.

Subscribed and sworn to before me, this 18th day of December, 1869.

LEMUEL LYON,

U. S. Consul.

The following are (A) the advertisements alluded to

NOTICE.

having been received at this Consulate that large quantities of goods belonging to the bankrupt estate of H. W. SCHUMANN & Co., have been obtained and are now held by different parties in an illegal or fradulent manner.

WARNING IS HEREBY GIVEN to such parties to surrender all such goods to H. W. DENISON, the Assignee in said Bankruptcy, with the alternative of Legal prosecution.

Notice is also hereby given to all persons indebted to the said Bankrupts, or that have any of their effects, not to pay money, or to deliver goods to any other person than to the said W. H. DENISON who is alone authorised receiver.

LEMUEL LYON,
U. S. Consul.

Yokohama, November 6th, 1869.

NOTICE.

All persons are hereby cautioned against negotiating or otherwise receiving, a certain note or conditional promise to pay the sum of $1,500, bearing date October 30th 1869; made by HOEFLICH and MAYERS—payable to H. SCHUMANN & Co. or order, as payment, on the same has been stopped.

H. W. DENISON,
Assignee of H. SCHUMANN & Co.
Bankrupts.

Yokohama, 22nd December, 1869.

U. S. CONSULATE.

KANAGAWA, December 2nd, 1869.

All persons indebted to the bankrupt firom of H. SCHUMANN & Co., are hereby requested to call upon the undersigned, assignee of the said firm, at the U. S. Consulate, and make immediate settlement, otherwise legal proceedings will be commenced at once.

H. W. DENISON,
Assignee.

(B) RECEIPT OF ASSIGNEE.

Yokohama, Japan. November 29th, 1869.

Received of Morris Hoeflich and Simon Mayers, the sum of fifteen hundred dollars ($1,500).

This sum is received in payment for possession given by me as assignee of the bankrupt estate of H. Schumann & Co., of Yokohama, of the lease, fixtures, improvements and goodwill of the business premises, number fifty-one (No. 51), Yokohama, lately occupied by said H. Schumann & Co., to aforesaid Morris Hoeflich and Simon Mayers, in accordance wich a transfer of the same made by said H. Schumann & Co. to them, and for which they, the said Hoeflich and Mayers, gave a written promise to pay to said H. Schumann & Co., upon obtaining possession of said premises the sum aforesaid. Now this acknowledgment is given by me, in lieu of said written conditional promise to pay, which I have been unable to obtain.

H. W. DENISON,
Assignee.

Approved,
LEMUEL LYON,
U. S. Consul.

Sent N.S. Consul Kanagawa

In U.S. Consulate Court for Kanagawa

Louis Westhuysen. Plff

vs. Demurrer &
Simon Mayer Defts. Reply.

Now comes the Plaintiff having Louis Westhuysen and demurs to the Defendants answer herein, as to the whole, as to the whole of the same with the exception noted below &

and demik specifically for the
following reasons to wit:
marked 2. 1st: the facts
alleged in the said portion of
the Defendants answer herein do
not constitute any defence at law
to the plffs claim as set forth
in his plffs said petition
And the plff further
replying to the aforesaid answer
as to that portion marked 2.
the plaintiff says that he
denies each and every of the
allegations therein contained
and set forth
Signed Louis Werthmüller
plff
by G. W. Hill
his attorney
Kanagawa Dec 18/69
In U. S. Consular Court.
Louis Werthmüller the plff above
named being sworn, on oath says
that he has heard read the foregoing

Reply to the Defts answer herein and he says that the same is true to his own knowledge

Signed Lewis Westhumber

Subscribed and sworn to before me this 18th day of Dec 1869.

Signed

Lemuel Lyon
N.P. Comm

Demurrer overruled
In Chancery Court.
Westhumber
vs
Westfield et al Mayors. } Exceptions Nos 1

Whereas the Plffs demurrer to the Defts answer has been by the Court overruled. now comes the plff herein and excepts to the said ruling of the Court

Signed.

L. Westhumber
by his Atty
G. W. Hill

2. 3

8. Comdrts

J. E. No. 1.

Copy of Note

Yokohama. 3rd Oct. 1869.

No 1507. On demand we promise
to pay H. Schumm & Co or order
the sum of fifteen hundred Dollars
Mexican
of proper moneys is hereof our
of bill, insurance, and two
months Sight in advance for
home and approved Situation
No 51 Yokohama

Signed Hopfloch & Mayer

(Endorsed as follows)

Signed. H. Schumm & Co

LOUIS WERTHEIMER, Plaintiff, was first sworn.
Q. by Att. Are you Plaintiff in this case?
A. Yes, Sir.
Q. by Att. What is the nature of that indebtedness?
A. A note.
Q. by Att. Show the Court the note?
A. Note produced (marked D. E. No. 1.)
Q. by Att. Did you ever try to collect that from Hoeflich & Mayers?
A. Yes.
Q. by Att. When?
A. At beginning of November.
Q. by Att. What did they say?
A. They told me to wait a few days.
Q. by Att. Did you have the note protested?

A. No.
Q. by Att. When you presented that note for payment did they promise to pay you?
A. They told me to wait a few days and they would pay it.
Q. by Att. How came you in possession of that note when you owe a balance to Schumann & Co. on their books of $500 to $600—what consideration did you give for the note?
A They received from me about 500 galls. liquors sent to Hakodate and a lot here in their store; besides which they owed me money for not keeping their contract.
Q. by COURT. Have you any papers to show to prove this indebtedness?
A. I have only the little book accounts or receipts they gave me.
Q. by Dft. When you presented that note did I say I would not pay it until or before I had possession?
A. You said you had a few things to fix before you would pay it—I did not understand exactly what you meant.

Sigmid
Louis Wertheimer
Subscribed and Sworn
to before me this 18th of Dec 1869.
Sigmid.
Simon Sayer
U. S. Consul

U. S. Consul

MORRIS HOEFLICH, the defendant was then sworn.
Q. by Att. Who made this memorandum agreement on which you are now sued?
A. I did; it is in my hand writing.
Q. Was it made on the day on which it was dated?
A. It was.

one of the

In Consular Court

West Lincoln. Exhibit No. 2.
Plff.
Vs. Hoeflich & Mayers
Defts

In the examination of Wm Whitfield the Plff objected to questions asked by the Court which were overruled by the Court thereupon now comes the plaintiff & excepts to the examination of the witness as to the circumstances of the making the writing or agreement, which this action is brought on, or as to anything touching the considerations or conditions between the Defts and the maker of the agreement. Wm Schumacher &

Signed

Jesse Westbrooks

Plff

by his Atty. G. W. Hill

Q. by Att. Who was present when this agreement was made?

A. A partner of Mr. Schumann, Mr. Cohen.

Q. by Att. Did he have anything to do with the agreement between you?

A. He, as partner, received the note.

Q. by Att. Did you take the note before you received copy of the Lease or a consideration?

A. I did.

Q. by Att. Then you regarded it as a simple agreement and not a note?

A. Yes, until I got possession.

Q. When did you get possession?

A. On about the 20th of November, last.

Q. Who put you in possession?

A. Mr. Denison, Assignee of Schumann & Co.

Q. by Att. Did you require any other persons' signature besides Mr. Denison's to obtain possession?

A. Yes—Mr. Goddard's the owner—we could not and did not get possession of either Lease or Insurance transfer until he signed them.

Q. by Att. Did Mr. Goddard try to obtain possession of these premises at the time of the failure of Schumann & Co?

A. I believe he did; but the U. S. Consul informed me that he would not allow Mr. Goddard or any other person to obtain the premises or Insurance as they would have to be sold by Assignee for benefit of Schumann & Co's creditors.

Q. by Att. Have you received the two months' rent agreed to in that memorandum agreement?

A. No.

Q. by Att. To whom did you pay the money for that Lease and Insurance?

A. To Mr. Denison, Assignee of Schumann & Co.

Signed

Morris Cuttick

Subscribed and sworn to before me this 18th day of Oct 1869.

Signed

Lemuel Lynn

U. S. Consul

(Seal)

This closed the evidence on both sides and the case was then left in the hands of the Court after Mr Hill concluded a few remarks in the evidence and proceedings in the case. The Court gives the following decision which was read in Court at 4 P.M the same day.

DECISION.

The only question that presents itself to this Court in the above action, that seems to require its consideration or that could possibly have any effect upon the case one way or the other, is, whether the memorandum agreement upon which this suit is instituted, and for which plaintiff demands judgment against defendants, is a note or other written evidence of indebtedness by which defendants can be holden, and upon which they may be presumed to have acknowledged themselves as indebted for a consideration received.

It has been proven to the entire satisfaction of this Court, that the document was nothing more than a simple unacknowledged memorandum agreement or conditional promise to pay, wherein defendants agree to pay to H. Schumann & Co. or order, the sum of $1,500, when proper transfer is made to them by H. Schumann & Co., of the lease, insurance, and two months' advance rent, of the premises No. 51, Main Street, Yokohama.

Further that before H. Schumann & Co. transferred or caused to be transferred said lease, insurance, and advance rent, they failed in business, and made an assignment for the benefit of their creditors.

The moment this was done, that memorandum agreement became null and void; as H. Schumann & Co. had not then the power to fulfil its conditions and the lease insurance and advance rent specified therein, became the property of the creditors of H. Schumann & Co., and, as such, were subject to the disposal of their assignee.

This memorandum agreement therefore never had a value further than as an evidence of agreement or contract, and could not be negociable until a consideration had been received—in other words, until defendants could be held responsible and bound to pay its face by the accomplishment of its conditions by H. Schumann & Co. To make this view more conclusive and to strengthen the position of the Court in rendering judgment for defendants as aforesaid, it will be found by the evidence adduced that no transfer whatever has ever been made in consequence of this said memorandum agreement or its existence.

The defendants have proved that they purchased and obtained possession of the lease and insurance from the assignee of H. Schumann & Co. more than two weeks after the assignment, and with the sanction of Mr. Goddard, the owner—whose signature was absolutely necessary in both cases to complete a transfer—and with the approval of the U. S. Consul at this port.

The Court must therefore conclude that plaintiff has no claim against defendants in consequence of this memorandum agreement or the transfer of the lease and insurance made to them by H. W. Denison as assignee of H. Schumann & Co., Bankrupts.

Judgment is therefore rendered in accordance with the above for defendants with costs.

LEMUEL LYON,
U. S. Consul.

We concur,
J. D. CARROLL,
GEO. W. HOYT.

U. S. Consulate Kanagawa

I the undersigned Clerk of the above Court duly appointed and sworn hereby certify the foregoing to be a full and complete copy of the records in the above ~~record~~ case in the said Court

U. S. Consulate Court
Kanagawa Dec 27/67

Wm H. Doyle
U. S. Clerk

U. S.

U. S. Consulate Kanagawa Japan
Dec 27th 1869

Louis Westheimer

To

U. S. Consular Court Dr

ket	For: Court fee		$ 15
thenter	6 Mk Ticket	#1.00	
&			
flock + wife	Summs. Def.	60	
	Do ch Ass	1.20	
	" Records	1.00	
	" Taking	40	
4. pltff	" Depy Sheriffs	8.00	12.40

Marshal & Summs 1.50

Att. at Court 3.00 4.50

2 Assns ea. 1. day 4.20

39.40

Ky Cost addr. 25 00

Bal # 14.40

Remit Augment

Wm H. Smyth

Clerk

Louis Worthington et al
vs
Morris Horlick et al
Summons & petition and
Amendment thereto
Petition in error
Amended
Filed June 15 1897.
A.D.P.
Deputy
Attest
(Title only)

Ministerial Court of the United States
in Japan

Louis Worthington
" Plff.
M. Morris Horlick
Simon Mayer &
Fifty
Defts.

To.

Minson
United States Marshall in Japan

You are hereby required and commanded forthwith to summon the above named Defendants and each of them to appear before me in an action as above entitled, by serving upon them the said Defendants a copy of the annexed citation and upon one of them a Copy of the Plaintiffs petition in error on file in this court in this action, and of your proceedings make due return by indorsement thereof on this original process and return the same without delay into this court.

Hereof fail not

C E Le Long
Minister Resident of the
United States in Japan

attest

vs

A L C Portman
Secretary of Legation

Copy of annexed citation and copy of Plaintiffs Petition in error served on Morris Horlick Defdt this 14th day of January A D 1870. at two o'clock P M. and copy of annexed citation served on Simon Mayer Defdt this 14th day of January A D. 1870, at two o'clock P M -

F. W Simon
U S Marshall -

Ministerial Court of the United States
In Japan.

Louis Wertheimer
Plff
vs
Morris Hoxsfield and
Simon Mayer
Defts

Whereas the Plaintiff above named Louis Wertheimer has filed in this Court a Petition in error praying the time for a writ and a reversal of a judgment of and for Yokohama Japan rendered in said Court. the United States Consular Court on the 18th day of December 1869 in an action wherein he, petitioner, was Plaintiff, and for the said Morris Hoxsfield and Simon Mayer were Defendants -

Now therefore it is hereby commanded that you, and each of you, the aforsaid Defendants within ten days of the service upon you, or either of you, of this citation and a Copy of this Petition in Error now on file in this Court in this action appear in this Court and show cause if any you can why the prayer of the Plaintiff in his Petition should not be granted - or otherwise

this Court will proceede to hear and determine said petition without further delay.

C E De Long
U S Minister Resident
in Japan

attest:

L S.

A L C Portman
Secretary of Legation.

Dated July 7th 1870.
C E De Long
U S Minister Resd.

Attest copy
Allen

Know all men by these presents that
that we Louis Worthington of Johnstown
as principal, and Johns Rosenfeldt and
Bothwell, each of Johnstown as sureties
are held and firmly bound unto
Morris Warfield and Simon Meyers each of
Wakefield Jofin in the penal sum
of three hundred dollars ($300) Lawful
money, for the payment of which sums
well and truly to be made we bind
ourselves and each of us. our heirs
each & our
executors and administrators jointly
and severally, firmly by these presents.

Dated A. D. 1860

The condition of the above obligation
is such that whereas heretofore, to wit
on the 15th day of Dec A. D 1859
the above bounden Louis Worthington
brought an action in the Common
Court of the N. J. for Remington
in which said action the said Louis
Worthington was plff and Morris
Warfield and Simon Meyers are
defendants & recover from the said
defendants the sum of fifteen hundred.

(4150) and interest thereon from the
20th day of October A.D. 1864.
and subsequently prosecuted the said
action to judgment: and thereon
judgment was on the 4th day of
December AD 1869 rendered by the
said Circuit Court against the said
plaintiff and in favor of the said
defendants. and whereas the said pltff
Louis Werthenbaker has feloniously in the
Minnesota Court of the United States
for Indiana a petition in error
in which in which said petition
in error the said Louis Werthenbaker
is plaintiff and the said Morris
Kupfick and Simon Meyer and
defts in error setting forth and alleg-
ing - that. there was error committed
by the said Circuit Court in the trial
and in the judgment in the said
action: now if the said Louis Werthenbaker
above bounded shall prosecute the said
proceeding in the Minnesota Court of
the U.S. aforesaid on his said petition
in error and pay as costs the found

all costs fees or assessments in the said proceedings. If the same shall be adjudged against him, then the action & obligation & the said Ordinance shall be and remain in full force and effect

Witness

G W Bell
Wm M Chesty
Louis Ortwig

Louis Wertheimer
of Oklahoma

John Rosenfeld
of Oklahoma

Subscribed and sworn to

Wm Parkinson
Clerk of Logan Co

State of Oklahoma County of Logan ss: John Rosenfeld and Louis Wertheimer sevalis upon the above undertaking having been first duly & each deposes and says on his part that he is a resident of the County of Logan and a householder or freeholder therein & that he is worth the sum of One hundred dollars in property situate and now lying said County not exempt from Execution and that he is worth said sum in and above all of his just debts and legal liabilities

John Rosenfeld
L Wertheimer

Louis Westheimer
Sept 11 1890

aged
Morris Hartfield and
Simon Mayers
Sept 11 1890

Defendants Bond #300
by Plaintiff in Error

L Westheimer. Principal
J Rosenfeld
Bartholow Sureties

Filed Sept 6 1890
C E Dudley
Circuit Clerk

Attorney:
Attest:

U. S. Ministerial Court

Legation Headquarters of the U. S. in Japan

Before H. E. Chas E. Dewey

U.S. Minister Resident in Japan

Louis Westenberger

Plff in error

vs

Morris Warfield

Emmen Mayers and

under name of

Warfield & Mayers

Dfts in error

Demurrer

Now comes the dfts in error herein and demurs to the petition in error of the plffs in error herein for the following reasons & to wit:

1st Because the petition in error herein is not signed as approved by the Consul of the Court below where the case was tried as required by Consular Court regulations existing & in operation in Japan in accordance with the act of Congress of June 22d 1860.

2nd Because the Ministerial Court of Japan is a court of appellate jurisdiction only (see U.S.S. Secs. 27 act Jan 22nd 1861) and no jurisdiction can be had in any case by said Court excepting by appeal without the concurrence of the Consul of the Court below in accordance with aforesaid Consular Court regulations

3d That no appeal or notice of appeal has been made or served on defendants herein

Hoffluch & Mayers

Filed June 19th 1870
Wm. H. Doyle
C. C. Clk

Transcript of Will of S. M. Spann
Louis Westheimer Affidavit
accpt
Miss Hirschfeld and Simon
Mayers matter returned
Style of Hirschfeld & Mayers

Dismissed. Jan 19th 1891

a copy of this return Summons
received by me this 26th
January 1891

L Westheimer by his
Atty Emil A Block

Return Endorsed: Filed

Louis Werthmer

Plff. & Petitioner

v

Morris Koplick et al

Defendants and Respondents

In error

In the Municipal Court Supreme

Opinion

The petition in this case in one of its averments a jurisdictional error in the constitution of the Court below as organized when it tried this action, in this: to wit: that the amount claimed in this action exceeded the sum of five hundred dollars: by the Statute it was necessary that the Council in hearing such a case should have associated with him at least two persons as assessors to be selected from a list of persons whose names have been nominated to the Minister and approved by him: that the persons who were selected and acted as assessors upon the trial of this cause were

Municipal Court of N.S. in Supreme

not persons were named appointed in any such list — With this petition and as a part thereof is attached a certified copy of the docket of the Consular Court that tried this case, and in this is contained as recital of the fact that Messrs. Carral and Hoyt who were the assessors were named in such a list, & that they were citizens of the United States.

There is then nothing in the averment in the petition contradicting or disputing any thing appearing of record in the Court below, but on the contrary, but on the contrary the record by its silence aids the petition which is again supported by Counsel for the Defendants in neglecting to avail himself of the suggestion of the Court made upon the hearing of the argument on the demurrer to amend the transcript of the record of the Court below and show this fact, if it was a fact, that these

were at the time qualified to act
as such assessors. From all
of these considerations I am compelled
to conclude that the Court below
was illegally constituted. Having
reached this conclusion the next
inquiry raised by the demurrer is
as to whether this action will lie
in this Court for the correction
of this error: it being urged that
this Court is one of strictly appel-
-late jurisdiction; and as no appeal
has been taken in this case and
as the judgement of the Common
Court was concurred in by the two assess-
-ors that it is final.

The error in this assumption is
apparent; first because this proceeding
is of the nature of an appeal
and comes within the more enlarged
meaning of the term "appeal".
Second, because if these assessors
were not qualified to act as such
the judgement is no more sustained
by their concurrence than it would

from him by this new action; hence it is an appealable judgement, because it is a judgement for over four hundred dollars not concurred in by two assessors being legally such: So much for the letter of the law — now as to its spirit — It is undeniable that the law contemplates judgements for sums exceeding four hundred dollars to be rendered by a Court aided by assessors, who shall be qualified as such — to allow a judgement for a sum exceeding four hundred dollars to exist and bind parties that were not by such competent authority endowed is to defeat the spirit of the law, and if it should, and as I think may be remedied, to what other tribunal and ~~in~~ what other manner could this petitioners proceed for relief. I know of none, and although the case is somewhat range, my judgement is that this demurrer should be overruled.

Judgement

The Demurr is overruled and with leave to the Defendants to file their answer to the petition

C. E. D. Long
U.S. Marshals Resident

Yorkhonnee Johnson
Feb 10th AD 1870.

Minnie Rosplick et als

Opinion and Judgment

vs

Demuns

A true copy

Attest

Filed March 8th 1870

C E D'Lemy

Recordist.

Mr. Wm. Whitehead
Jersey City, N.J.

Dear Sir:

We have received your favor of the 15th inst. and have pleasure in stating that we will be glad to have you call on us when in this city.

Yours truly,

Wm. Whitehead & Co.

U S Ministerial Court.

Legation Head. Quarters.

Japan. Feby 17. 1871.

Before Hon Chas De Long.

Minister Resident of the U S in Japan.

Louis Northerman

Plff in error

against

Morris Hoffstich & Simon Mayers. under name of Hoffstich and Mayers.

Defts in error

Answer to Petition in error.

The answer of the Defts in error in the above action to the petition in error of the the Plff. in error in said action. most respectfully to this honorable court. denies each. and every allegation. and charge of error set forth and contained in said petition.

in error of said pltff in error. as being without foundation. and wholly unsupported by reference to proper authority, law or demonstrated rules of procedure. Specifically they are denied as follows, to wit;.

As to that part of the petition marked 1st error, & the two following specifications. the defts. in error deny that the Court in question was illegally and improperly constituted. inasmuch as the Hon. Samuel Lyon. with two assessors whose names are subscribed to the decision in the case, Citizens of the U.S. of America presided. the latter not being objected to, were approved and sworn by the clerk of the Court. & the Court duly opened by the U.S. Marshall. further the defendants in error herein are of opinion

that the names of the assessors in question are on a list on file at the U.S. Consular Court at Nanagriawa, approved by the U.S. Minister for that purpose, and further they deny that any regulation exists requiring such assessors to signify them assent or dissent in writing to any questions arising for decision by the court, during the trial of any action or case, until judgment is rendered, and then only as to their dissent from the decision of the court with their reasons for assent or dissent, if such is the case.

2: they deny that any error was committed by the court, in overruling Jeffs demurrer inasmuch as Sec 40. 35: of consular Court regulations for China and in use in Japan gives the Consul power to adopt such rules as he may deem advisable for the conduct of his court.

3: They deny that there was error.

in questioning the witness Northrington as to the State of his accounts with Schuman & Co. as it was necessary, in order to discover the manner in which he obtained the instrument on which his suit was based.

4th. There was not error in securing testimony of the witness in Hinds Circuit, as according to Sec 18th of aforesaid court regulations, each party to a suit is entitled and may be required to testify.

As to all the errors charged in said petition under the head of 5th error. Appellee simply deny each and every charge of error. therein, on the ground that every court has the right in eliminating from evidence or considering questions of law, or fact-

for their decision. to make use of such expression or terms as may best enable them to come to a fair and impartial decision. in the matter before them. and render substancial justice. and practical despatch in their decisions - this def^ts. counsel was done. in this court-in question in this case.

6th. their was no error therefore in the judgment of the N S Provincial Court at Nanaimo. in this case. wherefore the Pl^ffs. in error. herein prays. their Honorable Court. that the decision of the court below. may be sustained and your petitioners. will ever pray.

Bayne & Holdfich.

U S Consulate

Yokohama. July 15th 1870

Morris Horflich one of the
defts in error herein. a citizen of the
U S of Ama. residing in Yokohama.
makes oath and says. that he has
read the foregoing answer and that
the facts therein stated are true to the
best of his knowledge and belief

Morris Horflich

Subscribed & Sworn to
before me. this 15th July 1870.

L L.

Samuel. Lyon.
U S Consul.

List of Assessors

Richard Arnold 4.1879

W E Dorsey

Main Roads

A true copy

Attest

Copy

List of assessors in the NS Consular Court of Kanagawa

A.O. Gray: J.C. Hepburn: Jn Allmand Colgate Baker. R.B. Smith. J.D. Carroll Thos Hogg. E.A. Schaefer. Saml Jones J.R. Stevens E.S. Benson. Henry Allen Jr Capt. Fletcher Jas H. Ballagh R.P. Bridgens F.C. Spooner G. Gill Gen Vanbrant Frank Dunn G. Farley Jr: H.A. Howe Jr Robt G Walsh: Hoffman Atkinson.

Signature of the N.S. in Japan

Yokohama June 15th 1868

I approve of the list of names as assessors in the Consular Court at Kanagawa

(Sig) R.B. Van Valkenburgh

Minister Resident

of N.S in Japan

I hereby certify the foregoing to be a complete and true copy of the original on file in this Consulate

N.S. Consulate:

Kanagawa Nov 7. 70

Samuel Lyon

N.S Consul

Yokohama March 7/70

Sir:

I beg to enclose the certified copy as promised: "You will perceive that Mr Comstock never appears while Mr Hoyts does not May 'I refer your Excellency to Sec. 94 of Consular Court Regulations — Where it says he (the associated)" Before taking the oath may be challenged by either party and for sufficient cause excused and another drawn" None was sworn then or since. With reference to Mr Heuflichs testimony the clause in the above Regulations which referred to was Section 13 which reads in these words "Each party is entitled and may be required to testify"

Very Respectfully
Your most Obt. Servant
Wm H. Doyle

To
H. E. C. E. Duzy
U. S. Minister
&c &c

U S Ministerial Court
in and for Japan.

Louis Wertheimer.
Petitioner and appellant.

vs

Morris Hosfich. et al.
Respondent & defendant.

Opinion.

This cause coming on regularly for trial. in this Court. on the Seventh day of March. A.D. 1870. and both parties appearing by their Counsel. the said cause was. by said Counsel in Open Court. submitted for judgment. upon the pleadings. together with a certified copy of the list of names on file at the Consulate of Kanagawa of persons nominated. as persons nominated to serve as assessors. by the Consul and approved by the Ministers. and from this list it appearing. that the name of J D Carroll does appear. thereon. but that the name of Mr G W. Hoyt. [who was one of the assessors in the Court below] does not. it is very clear that the Court was not constituted. When

it tried the case as by the laws of the United States it is directed. [See. Sect. 11 Statutes approved June 22d 1860]

The point suggested by the learned Counsel for Defendants, to wit, that by the Consular Regulations" a party may challenge assessors when selected, and that for good cause shown, any such assessor may be set aside. and another name drawn. had been considered, but this court cannot agree with the counsel in his conclusions, that petitioner by a failure in the court below. to challenge. Mr Hoyt. as an assessor, are thereby estopped from setting up his disqualifications. at this stage of the case. for the reason; that it is a maxim of law. that "consent cannot confer jurisdiction, this being true. it is equally clear. that neglect cannot confer jurisdiction.

Hence this Court finds as a conclusion of law, from the foregoing facts, that the Consular Court, when it tried this action. was illegally constituted. and without jurisdiction. therefore that its judgment in this action. was

and is, null and void.

Judgement.

It is hereby ordered, ajudged and decreed, that the judgement of the Consular Court in and for Kanagawa, in this action, be, and the same is hereby vacated, and set aside; and a new trial of this action in said Consular Court, directed, with permission to the respective parties hereto to amend or supplement their pleadings. Cost in favor of Petitioner

C E De Long.
U S Minister Resident
Yokohama March 8th A.D. 1870.

U. S. 1
No Legation

Ex.

Morris Hospital Coal.

Opinion & Judgment.

Filed March 4

A D 1870.

C E Dunlap.

Ass't Minister Presidential

A true copy Attest:

Yokohama March 7. 1870.

My dear Sir.

Will you allow me to have the affidavit of Schumann published?

It is quite lengthy and at the time the other proceedings are published would undoubtedly be crowded out.

I am

Very Truly Yours.

signed Lemuel Lyon.

His Excellency

Mr De Long.

US Minister

2

Rec'd 21 Apr.

Mr Chilton &
Mr E P Smith

No 30.

Mr C E DeLong to Department of State

Yokohama Japan March 21. 1870.

Bankrupt estate of H Schumann & Co.
Investigation of charges of fraud &c against
Mr Samuel Lyon at Osaka and Mr H W Dennison
Marshal at this port.
Publicity unavoidable.

1 Enclosure.

No 30. Legation of the United States in Japan
Yokohama. March 21. 1870.

Sir,

For some time reports and complaints against Mr Lyon the US Consul at Kanagawa have reached me with reference to the settlement of the affairs of the bankrupt firm of Schumann & Co. I made every possible effort to have that matter amicably adjusted; but by the last mail letters came to me from Members of the Board of Trade of San Francisco - and

The Honorable Hamilton Fish
Secretary of State
Washington.

Sir

their Attorneys concerning the Complaint, demanding an investigation and assuring me that until such investigation was had that credit to persons in business at Yokohama by business men in San Francisco would be effectually stopped

From the same persons I also received an affidavit of Mr Schumann charging the US Consul and Marshal here with fraud and also inviting investigation.

This was followed by a petition in equity being filed with me by Einstein and others as plaintiffs against H W Dennison, Marshal, & Samuel Lyon Consul and others, charging conspiracy, fraud &c and praying for the appointment of a receiver and an injunction &c.-

By Section 27 of the Act of 1860

in such a case where a Consular officer was interested as a party. original jurisdiction was conferred upon me.; and it clearly became my duty to take Cognizance of the action which I did.. Upon the return of the order to show cause the defendants consented to the appointment of the Receiver and the continuance of the injunction - And the trial was proceeded with and as yet it not concluded..

I anticipate its conclusion before the Sailing of the next mail at which time I will send You a Complete report of the case.

I regret to state that through the medium of the local press here. this proceeding has attained publicity.

and

and a very undesirable notoriety; but
to assure You that Such has not been
the result either of my wish or action.
I send herewith Enclosure No 1 copy
No 1 of a letter from the Consul to myself
asking permission to publish the
affidavit of Mr Schumann above
referred to and from this You will
perceive that this publicity has been
the act of the Defendants themselves.

I trust that You will suspend
judgment as to the propriety of the
course I am pursuing and of
the guilt or wrong of the Defendants
until I am enabled to send You a
full report of this case.

I have the honor to be Sir

Very Respectfully
Your most obedient Servant

C. E. De Long

Minister Resident in Japan.--

Yokohama March 7. 1870

My dear Sir.

Will You allow me to have the affidavit of Schumann published?

It is quite lengthy and at the time the other proceedings are published would undoubtedly be crowded out.

I am

Very Truly Yours.

Signed Samuel Lyon.

His Excellency

Mr DeLong

US Minister.

Retd 21. Apl. Acknowledge

No. 31. Mr. Chilton

Mr. C.E. Delong to Department of State.

Yokohama Japan March 22. 1870.

Political.

General uneasiness increasing. - Anarchy in several Provinces. - Confusion in Amount of Treasury Department. - Continued importation of rice from abroad. - -

No 31.

Legation of the United States in Japan

Yokohama. March 22. 1870.

Sir,

The general uneasiness referred to in former despatches continues. Chiefly, in this part of Japan. No sooner is a riot suppressed or violence conciliated, than similar disturbances occur in another quarter. The strife in the Province of Owari has been terminated by concessions on the part of those in authority. and in the Province of Choshu an outbreak has taken place attended with serious loss of life. Further

The Honorable Hamilton Fish

Secretary of State

Washington

intelligence

intelligence from Chosiu received here.
and which appears to be confirmed
by an identical report which reached
Hiogo and Nacca. would seem to show
that an armed force from that Province
had landed in the province of Bingo
and taken the Castle of Fuku Yama.
without meeting with resistance. The
cause of this aggressive movement is
not known; it appears to have been
unauthorized by either the Mikado's
Government or the Daimio.

Notwithstanding a continued
heavy importation and the certainty that
nearly five hundred thousand piculs of rice
are now on the way for this port, the
price of that staple has again advanced
in Yedo. - Several disastrous fires, in-
volving it is asserted, the loss of

considerable

Considrable property have recently occurred in that Capital :- they are suspected of being the work of incendiaries

It is also generally credited that nearly all :- that is :- six out of eight high officers whom the Mikado's Government had despatched to the Northern Provinces on official business had been assassinated :- and in no case has it been possible to discover and arrest the perpetrators of those deeds.

Two other high functionaries, who has already proceeded some distance on the way to their post of duty, returned to Yedo and resigned :- and the Governor General of Yesso and Staff suddenly left Hakodate in a chartered foreign Steamer and made their reappearance in Yedo.-

Nothing

Nothing perhaps illustrates more correctly the State of disorganization in which this Country is now unfortunately plunged than the well known fact, that the accounts of the Mikado's Treasury Department are in a hopeless confusion. that Counterfeits of its paper money are becoming more numerous - and that with the independence a majority of Daimios are asserting by issuing their own paper, it is now estimated on good authority that there are now in Japan more than fifty varieties of such paper currency in circulation - all more or less cleverly made and therefore easily counterfeited

The demand for arms and ammunition has abated and only very few sales are now being made by foreigners;

but

but whether this is owing to an impression that civil strife may not be looked for on so large a scale as hitherto anticipated, or to the urgency of providing funds to meet the heavy purchases of food - cannot be ascertained.

On the 7th instant, the Mikado held a review in the Castle at Yedo of troops belonging to the Daimios of Satsuma, Choshu, Hizen Jenki and Ongaki - and on the next day the troops proceeded by land and water to the Province of Mito nominally on a military excursion.

Some fights are now reported to have taken place there: it cannot be learned what motive existed for this military operations, as that province was not known to be in rebellion - but as

several

Several disputes and quarrels on questions of power and precedence have recently occurred between the men and officers of the Daimiates named, I am led to believe, that the reason must be found in a desire a necessity to find employment for their armed men and to revive the Coöperative policy amongst them. Within a few days the forces are expected back in Yedo, after having successfully accomplished their mission - the object of which may probably then be more fully elicited.

Several rumors are now in Circulation relative to continued fighting in Hoshu and Bingo - of a series of small engagements in Mito and also that the troops sent into the Satsuma province had fallen out among themselves.

Although these rumors cannot be credited

credited. Their circulation itself shows, that the occurrences related are quite within the bounds of probability.

Hon. Japanese, who form their position, experience and intelligence are generally best informed are all unanimous, I regret to say, in expressing it as their opinion, that not the remotest prospect of a settled state of things in this Country is at present perceptible.

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant.

C E D Long

Minister Resident in Japan.-

Rec'd 21. May. Ans. Oct 18.

(May 21.)

№ 32.

Mr. DeLong to Secretary of State.

Yokohama Japan. April. 1. 1870

1 Enclosure. 4 Vouchers.

Account Salary for quarter ending

the 31. March. 1870. - advsi Rec'd. $71.40

N° 32.

Legation of the United States in Japan

Yokohama April 1. 1870

Sir,

I have the honor to transmit herewith Enclosure N° 1. N° 1
my account for Salary for the quarter ending the 31st March 870. and to inform You that I have drawn this day on the Department in the prescribed manner for $ 71.40/100; which draft is supported by the required vouchers.

I have the honor to be. Sir

Very Respectfully

Your most Obedient Servant

E. E. Dr Long

Minister Resident in Japan

The Honorable Hamilton Fish

Secretary of State

Washington.

Rec'd 21. May. Mr Clinton.

No 33.

Matsuura to Department of State.

Yokohama Japan. April 1. 1870.

1 Enclosure. 3 Vouchers.

Account his Salary. for the quarter ending the 31st March. 1870.- Balance due.

$21.12.

No 33.

Legation of the United States in Japan

Yokohama April 1. 1870.

Sir,

I have the honor to transmit herewith Enclosure No 1. my account for Salary for the Quarter ending the 31 March 1870, - and to inform You that the amount of $21.72/100 due me. has been passed to the debit of the Department. No 1.

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant.

A L Portman.

The Honorable Hamilton Fish

Secretary of State

Washington.

Recd 21. May. Mr Clubb

No 34.

Mr. DeLong to Department of State

Yokohama Japan. April 1. 870.

1 Enclosure. (9 Vouchers).

Account Contingent Expenses for the quarter ending the 31 March 870. - Balance in hand this day $421.67/100. -

No 34 Legation of the United States in Japan

Yokohama April 1. 1870.

Sir.

I have the honor to transmit herewith Enclosure No 1. my account of Contingent Expenses of this Legation for the quarter ending the 31st March 1870. No 1.

Showing balance in my hands this day of $ 421.67/100...

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant

B E Dr Long

Minister Resident.

The Honorable Hamilton Fish

Secretary of State

Washington.

Rec'd 21 May.

Mr. Schenck
acknowledged
10 June
(35 to 47 inc

No 35.

Mr Delong to Department of State

Yokohama Japan. April 2. 1870.

Received Despatches No 9. to 11.-

My telegram No 18 of Feby 1. apparently
not received in time.. Telegram
from the Secretary of State missing.

No 35.

Legation of the United States in Japan

Yokohama April 2. 1870.

Sir,

I have the hono 6 acknowledge the receipt of Your despatches Nos 9. 10 and 11, dated the 27th January, 5th and 15th February last respectively

My telegram No 8. dated the 1st February last, containing a list of the Saved from the USS Oneida, and which must have been placed in the hands of the Collector of Customs at San Francisco on the 28th of last

The Honorable Hamilton Fish
Secretary of State
Washington.

mond

month, the date of the arrival of the vessel by which it was sent, does not appear to have reached You on that or the following day.-

Your telegram, a copy of which is contained in Your despatch No 10 - of the 5th February above referred to, has not yet been received by me.

I have the honor to be Sir.

Very Respectfully

Your most Obedient Servant.

E E DeLong

Minister Resident in Japan.

Rein 21. May. Mr Chilton.

No 36.

Mr DeLong to Department of State.

Yokohama. Japan. April 4. 1870.

1 Enclosure.

Temporary light placed on Cape

Chichakoff. 30°. 59' N. - 130°. 45' E.

No 36 Legation of the United States in Japan

Yokohama April 7. 1870.

Sir.

I have the honor to transmit herewith No 1. printed Notice to Mariners that a temporary light has been established on Cape Chichakoff (Satanomisaki) being the Southernmost point of the Island of Kiusiu.

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant.

S. E. D. Long

Minister Resident

The Honorable Hamilton Fish

Secretary of State

Washington.

Rec'd 21 May. Approved
No 37. Mr. Schilton

Mr Delong to Department of State
Yokohama Japan. April 5. 1870.

Neegata. Mode of appointment of
Consular agents. Mr N E Rice declined
and Mr S R Brooks appointed Consular
agent at that place. Neegata a
treaty port but inaccessible to Ships.
No American residents and no trade
there.

No 37.

Legation of the United States in Japan

Yokohama April 5. 1870.

Sir,

Under the instructions contained in the despatch from the Department dated the 12th July 1869, it devolved on the occasion of the opening of a port in Japan upon the Consul residing nearest to such a port, to appoint a Consular Agent, subject to the approval of the Minister.

And when Neegata on the West-Coast was opened, our Consul at Hakodate accordingly appointed

The Honorable Hamilton Fish

Secretary of State

Washington.

Sir

his Son Mr N E Rice as Consular Agent for that place.

His appointment was approved by my predecessor, but Mr N E Rice declined it - Mr Consul Rice then appointed the Revd S R Brown to that Office - Mr Brown is a missionary employed by the Japanese Authorities as a teacher in a School established at Neefata; - and he is the only American residing there.

I have approved of this appointment, as I am not aware of any reason why I should disapprove of it - and Mr Brown's acting in such Capacity is not objected to by the Japanese Authorities his employers.

Neefata is an open port according to the Treaty, but it is

inaccessible

inaccessible for both Steam and
Sailing vessels. - - The Foreign Representatives
were so well convinced of this, that
when it was opened in 1868, they
made arrangements at the same time
for the opening of Ebisu Harbor on
the Island of Sado, situated nearest,
though at a considerable distance from
Neëgata. -

There is not the slightest
probability, I am informed, of
any American Merchants ever
residing and engaging in business
at either of those places.

I have the honor to be Sir.
Very Respectfully
Your most Obedient Servant.
O C De Long
Minister Resident.

Rec'd 21. May. Acknowledged 10 June
No 38 Mr. Chilton

Mr Delong to Department of State
Yokohama Japan. April 6. 1870.

Treaty between the Austro-Hungarian
Monarchy and Japan concluded. -
printed copy of Treaty transmitted.

1 Enclosure.

No 38

Legation of the United States in Japan

Yokohama April 6. 1870

Sir.

I have the honor to transmit herewith No 1. printed copy of the Treaty concluded on the 18th October last between the Austro-Hungarian Monarchy and Japan.

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant

C. E. De Long

Minister Resident.

TREATY

OF

Friendship, Commerce and Navigation,

BETWEEN THE

AUSTRO-HUNGARIAN MONARCHY

AND THE

EMPIRE OF JAPAN.

Signed in Yedo, on the 18*th of Oetober*, 1869.

SHANGHAI:
PRINTED AT THE "NORTH-CHINA HERALD" OFFICE.
1870.

His Majesty the Emperor of Austria, King of Bohemia, Etc., and Apostolic King of Hungary on the one part,

And,

His Majesty the Emperor of Japan on the other part, being desirous to place the relation between the two Empires on a permanent and friendly footing, and to facilitate the Commercial intercourse between their respective subjects, have resolved to enter into a Treaty of friendship, Commerce and Navigation and have for that purpose appointed as their Plenipotentiaries, that is to say :

His Imperial and Royal Apostolic Majesty :

The Rear Admiral Baron Anthony Petz, Minister Plenipotentiary and Envoy in Extraordinary Mission, Knight of the Military Order of Maria Theresa, Etc., Etc., Etc.

His Majesty the Emperor of Japan :

Sawa Kiyowara no Ason Nobuyoshi, Principal Minister for Foreign Affairs, invested with the second degree of the third rank, and

Terashima Fujiwara no Ason Munenori, Assistant Minister for Foreign Affairs, invested with the second degree of the fourth rank,

Who, after having communicated to each other their respective full Powers, and found them to be in due and proper form, have agreed upon the following articles :

Article I.

There shall be perpetual peace and friendship between the high contracting Powers and their respective subjects.

Article II.

His Imperial and Royal Apostolic Majesty shall have the right to appoint a Diplomatic Agent, a Consul General, and for every port or town in Japan open to foreign trade a Consul, Vice-Consul or Consular Agent ; these Officials shall have the same privileges and rights as those of the most favoured nation.

The Diplomatic Agent appointed by His Imperial and Royal Apostolic Majesty, as well as the Consul General, shall have the right to travel freely in any part of the Japanese Empire.

Likewise those Imperial and Royal Consular Officers, who are entrusted with judicial powers, shall have the right, whenever an Austro-Hungarian ship is wrecked, or an attack is made upon the life and property of an Austro-Hungarian Citizen, within the limits of their jurisdiction, to proceed to the spot, in order to collect such

evidence as may be necessary. But in every such case the Imperial and Royal Consular Officers shall inform the Japanese local Authorities, in writing, of the object of their journey and the place to which they intend to proceed, and shall undertake this journey only in the Company of a high Japanese officer, to be appointed by the Japanese Authorities.

His Majesty the Emperor of Japan may appoint a Diplomatic Agent at the Court of Vienna and Consular Officers at any port or town of the Austro-Hungarian Monarchy where Consular Officers of any other Power are admitted to reside.

The Diplomatic Agent and the Consular Officers of Japan shall, under the condition of reciprocity, enjoy in the territory of the Austro-Hungarian Empire the same rights, privileges and immunities which those of any other Power now enjoy or may hereafter enjoy.

Article III.

The ports and towns of Yokohama (in the district of Kanagawa) Hiogo, Osaka, Nagasaki, Niigata, Ebisuminato on the island of Sado, Hakodate and the City of Tokei (Yedo) shall, from the day on which this Treaty comes into operation, be opened to the Citizens of the Austro-Hungarian Monarchy and to their trade.

In the above ports and towns Austro-Hungarian citizens may permanently reside; they shall have the right therein to lease land, to purchase houses and to erect dwellings and warehouses.

The place where Austro-Hungarian citizens shall reside and where they shall erect their buildings shall be determined on by the Imperial and Royal Consular Officers in conjunction with the competent local Authorities; the harbour-regulations shall be arranged in a similar manner.

If the Imperial and Royal Consular Officers and the Japanese Authorities cannot agree, the matter shall be submitted to the Diplomatic Agent and the Japanese Government.

No wall, fence or gate shall be erected by the Japanese around the place where Austro-Hungarian citizens reside, and nothing shall be done there, which may prevent free egress or ingress.

Austro-Hungarian citizens shall be free to go where they please within the following limits :—

At Yokohama (in the district of Kanagawa)—to the river Kokugo and ten ri in any other direction.

At Hiogo—in the direction of Kioto as far as ten ri from that city, and ten ri in in any other direction.

At Osaka—on the South from the mouth of the Yamatogawa to Funabashimura, and from the latter place within the limits of a line drawn from there through Kiokojemura to Sado. The town of Sakai lies outside these limits, but Austro-Hungarian citizens shall be allowed to visit it;

At Nagasaki—into any part of the Nagasaki district;

At Niigata—and Hakodate ten ri in any direction ;

At Ebisuminato—throughout the whole island of Sado ;

At Tokei (Yedo)—within the following boundaries: from the mouth of the Shintonegawa to Kanamahi, and from there along the high road to Mito as far as Senji; from there along the river Sumida as far as Furuyakamigo, and thence through Omuro, Takakura, Koyata, Ogiwara, Miyadera, Mitsugi and Tanaka to the ferry of Hino on the river Kokugo.

The distances of ten ri shall be measured by land from the Saibansho or Townhall of each of the above mentioned places.

One Ri is equal to:—

12,367 feet Austrian Measure
4,275 yards English „
3,910 metres French „

Austro-Hungarian citizens, who transgress these limits shall be liable to a fine of one hundred Mexican Dollars for the first offence, and for a second offence to a fine of two hundred and fifty Mexican Dollars.

Article IV.

Austro-Hungarian citizens residing in Japan shall be allowed the free exercise of their religion, and for this purpose they shall have the right to erect within the limits of their Settlement suitable places of worship.

Article V.

All questions in regard to rights, whether of property or of person, arising between Austro-Hungarian citizens residing in Japan, shall be subject to the jurisdiction of the Imperial and Royal Authorities. In like manner the Japanese Authorities shall not interfere in any question which may arise between Austro-Hungarian citizens and the subject of any other Treaty Power.

If an Austro-Hungarian citizen has a complaint or grievance against a Japanese subject, the case shall be decided by the Japanese Authorities.

If, on the contrary, a Japanese has a complaint or grievance against a citizen of the said Monarchy, the case shall be decided by the Imperial and Royal Authorities.

Should any Japanese subject fail to discharge debts incurred to an Austro-Hungarian citizen, or should he fraudulently abscond the competent Japanese Authorities will do their utmost to bring him to juctice and to enforce recovery of the debts. And, should any Austro-Hungarian citizen fraudulently abscond or fail to discharge debts incurred by him to a Japanese subject, the Imperial and Royal Authorities will do their utmost to bring him to justice and to enforce recovery of the debts.

Neither the Austro-Hungarian nor the Japanese Authorities shall be held responsible for the payment of any debts contracted by Austro-Hungarian or Japanese subjects.

Article VI.

Austro-Hungarian citizens, who may commit any crime against Japanese subjects or the subjects of any other nation shall be brought before the Imperial and Royal Consular Officer and punished according to the laws of their Country.

Japanese subjects, who may commit any crime against Austro-Hungarian citizens, shall be brought before the Japanese Authorities and punished according to Japanese laws.

Article VII.

Any case involving a penalty or confiscation by reason of any breach of this Treaty, the Trade-Regulations, or the Tariff annexed thereto, shall be brought before the Imperial and Royal Consular Authorities for decision, every penalty enforced or confiscation made by these Authorities shall belong to and be appropriated by the Japanese Government.

Goods which are seized shall be put under the seals of both the Japanese and the Consular Authorities, and shall be kept in the Godowns of the Custom House until the Imperial and Royal Consul shall have given his decision.

If this decision is in favour of the Owner or Consignee of the Goods, they shall be immediately placed at the disposal of the Consul; but should the Japanese Government wish to appeal against the decision of the Consul, the Owner or Consignee shall be bound to deposit their value at the Imperial and Royal Consulate until the final decision has been pronounced.

Should the seized goods be of a perishable nature, they shall be handed over to the Owner or Consignee, even before the final decision be given, on his lodging the amount of their value at the Imperial and Royal Consulate.

Article VIII.

At each of the Ports open or to be opened to trade, Austro-Hungarian citizens shall be at full liberty to import from their own or any other ports, and sell there and purchase therein, and export to their own or to any other Ports all manner of merchandize not contraband, paying the duties thereon as laid down in the tariff annexed to this Treaty, and no other charges whatsoever.

In estimating *ad valorem* duties, if the Custom House Officers are dissatisfied with the value placed by a Merchant on any of his goods, they may themselves place a value thereon and offer to take the goods at that valuation. If the owner refuses this offer, he shall pay the duty on the valuation which the Japanese Custom House Officers have made. If, on the contrary, the owner accepts the offer, the Custom House valuation shall be paid to him without delay and without any abatement or discount.

Article IX.

Austro-Hungarian citizens having imported merchandize into one of the open Ports of Japan and having paid the duty due thereon, shall be entitled to demand from

the Japanese Custom House Authorities a certificate, stating that such payment has been made, and shall be at liberty by virtue of this certificate to re-export the same merchandize and land it in any other of the open Ports without the payment of any additional duty whatever.

ARTICLE X.

The Japanese Gevernment engages to erect, in all the open Ports, warehouses, in which imported goods may be stored on the application of the importer or owner without payment of duty.

The Japanese Government will be responsible for the safe custody of these goods, so long as they remain in their charge, and during such time will adopt all the precautions necessary to render the said goods insurable against fire. When the owner or importer wishes to remove the goods from the said warehouses, he must pay the duties fixed by the tariff annexed to this treaty, but if he should wish to re-export them, he may do so without payment of duty.

Storage charges must be paid in any case on delivery of the goods. The amount of these charges, as well as the regulations necessary for the management of the said warehouses, will be established by common consent of the high contracting parties.

ARTICLE XI.

Citizens of the Austro-Hungarian Empire shall be at liberty to ship all kinds of Japanese produce bought in one of the open ports in Japan to another open Port in Japan without the payment of any duty.

When Japanese products are shipped by an Austro-Hungarian citizen from one of the open ports to another, the said citizen shall deposit at the Custom House the amount of duty, which would have to be paid, if the same goods were exported to foreign Countries. This amount shall be returned by the Japanese Authorities to the said citizen immediately and without any objection on their part, upon the production within six months of a certificate from the Custom House at the port of destination, stating that the said goods have been landed there.

In the case of goods, the export of which to foreign ports is absolutely prohibited, the shipper must deposit at the Custom House a written declaration, binding himself to pay to the Japanese Authorities the full value of the said goods in case he should fail to produce the aforesaid certificate within the time above mentioned.

Should a vessel, bound from one of the open ports to another, be lost on the voyage, proof of the loss shall take the place of the Custom House certificate, and a term of one year shall be allowed to the Austro-Hungarian citizen to furnish this proof.

ARTICLE XII.

All goods imported by citizens of the Austro-Hungarian monarchy into one of the open ports in Japan, on which the duties stipulated by the present Treaty have been paid, may—whether they are in the possession of Austro-Hungarian citizens or of Japanese subjects—be transported by the owners into any part of the Japanese Empire without the payment of any tax or transit-duty whatever.

All articles of Japanese production may be conveyed by Japanese subjects from any place in Japan to any of the open ports without being liable to any tax or transit duty, with the exception of such tolls as are levied equally on all traders for the maintenance of roads or navigation.

Article XIII.

Austro-Hungarian citizens shall be at liberty to buy from Japanese and sell to them all articles without the intervention of any Japanese Officer either in such purchase or sale or in making or receiving payment for the same.

All Japanese shall be at liberty to buy any articles from Austro-Hungarian citizens either within the limits of the Austro-Hungarian Empire or in the open ports of Japan, without the intervention of any Japanese Officer, and they may either keep and use the articles which they have thus bought, or re-sell them. In their commercial transactions with Austro-Hungarian citizens, the Japanese shall not be subject to higher taxation than that usually paid by them in their transactions with each other.

Likewise all Japanese subjects may, on condition of observing the laws, visit the Austro-Hungarian Empire as well as the open ports of Japan, and there transact business with citizens of the said Empire freely and without the intervention of Japanese Officers, provided always they submit to the existing police regulations and pay the established duties. All Japanese subjects may ship goods of Japanese or foreign origin to, from or between the open ports in Japan or from or to foreign ports either in vessels owned by Japanese or by citizens of the Austro-Hungarian monarchy.

Article XIV.

The Regulations of trade and the Tariff annexed to this Treaty shall be considered as forming a part of the Treaty and therefore as binding on the high contracting parties.

The Diplomatic Agent of the Austro-Hungarian monarchy in Japan, in conjunction and by mutual agreement with such Officers as the Japanese Government may designate for this purpose, shall have power to make for all ports open to trade such rules as are necessary to carry out the provisions of the annexed Regulations of trade.

The Japanese Authorities will adopt at each port such measures as they may judge most proper to prevent fraud and sumggling.

Article XV.

The Japanese Government will not prevent citizens of the Austro-Hungarian Monarchy residing in Japan from taking Japanese into their service as interpreters, teachers, servants, etc, or from employing them in any way not forbidden by law; provided always that in case such Japanese shall commit a crime, he shall be subject to Japanese law.

Japanese shall also be at liberty to take service in any capacity on board of ships belonging to the Austro-Hungarian Monarchy.

Japanese in the service of Austro-Hungarian citizens shall, on application to the local authorities, obtain permission to accompany their employers abroad.

Furthermore all Japanese, on being provided with regular passports from their Authorities, according to the proclamations of the Japanese Government dated the 23rd of May 1866, may travel to the Austro-Hungarian Empire for purposes of study or trade.

Article XVI.

The Japanese Government engage to improve immediately the manufacture of Japanese coin. The Japanese principal mint as well as the special Offices to be organised at all the open ports will then receive from Foreigners and Japanese, without distinction of rank, foreign coins of all kinds as well as silver and gold bullion, and will exchange the same for Japanese coin of the same intrinsic value deducting a certain charge for coinage, the amount of which will be fixed by consent of the high contracting powers. Citizens of the Austro-Hungarian Monarchy and Japanese subjects may freely use foreign or Japanese coin in making payments to each other.

Coins of all description (with the exception of Japanese copper coin), as well as foreign bullion in gold and silver may be exported from Japan.

Article XVII.

The Japanese Government will provide all ports open to the trade of Austro-Hungarian citizens with such lighthouses, lights, buoys and beacons as may be necessary to facilitate and render secure the navigation of the approaches to the said ports.

Article XVIII.

If any vessel of the Austro-Hungarian Monarchy be wecked or stranded on the coasts of Japan, or be compelled to take refuge in any Japanese port, the competent Japanese Authorities, on being apprized of the fact, shall immediately render to the vessel all the assistance in their power. The persons on board shall receive friendly treatment and be furnished, if necessary, with the means of conveyance to the nearest Austro-Hungarian Consular station.

Article XIX.

Supplies of all kinds for the use of the Austro-Hungarian Navy may be landed at the open ports of Japan and stored in warehouses in the custody of Austro-Hungarian Officers, without the payment of any duty. But if any such supplies are sold to Foreigners or Japanese the purchasers shall pay the proper duty to the Japanese authorities.

Article XX.

It is hereby expressly stipulated, that the Austro-Hungarian Government and the citizens of the Austro-Hungarian Monarchy shall, from the day on which their Treaty comes into operation, participate in all privileges, immunities and advantages, which have been granted, or may hereafter be granted by His Majesty the Emperor of Japan to the Government or subjects of any other nation.

Article XXI.

It is agreed that either of the high contracting Parties may demand a Revision of this Treaty, of the Trade Regulations and the Tariff annexed thereto, on and after the 1st of July 1872, with a view to the insertion therein of such modifications or amendments as experience shall prove to be expedient. It is necessary however, that one year's notice must be given, before such Revision can be claimed.

In case however, His Majesty the Emperor of Japan should desire the Revision of all the Treaties before the above mentioned date and obtain thereto the consent of all the other Treaty Powers, the Austro-Hungarian Government will also join, at the request of the Japanese Government, in the negotiations relating to the same.

Article XXII.

All official communications addressed by the Imperial and Royal Diplomatic Agent or Consular Officers to the Japanese Authorities shall be written in the German language. In order, however, to facilitate the transaction of business, these communications will, for a period of three years from the date, on which this Treaty comes into operation, be accompanied by an English or Japanese translation.

Article XXIII.

The present treaty is written in Seven Copies, viz : two in the Japanese, three in the English and two in the German language. All these versions have the same meaning and intention, but in case of dispute the English Text shall be considered as the original one.

Article XXIV.

The present Treaty shall be ratified by His Majesty the Emperor of Austria and Apostolic King of Hungary and His Majesty the Emperor of Japan under their hands and seals, and the ratifications shall be exchanged within twelve months from this date, or sooner, if possible.

It is also agreed, that this Treaty shall come into operation from the present date.

In token whereof the respective Plenipotentiaries have signed and sealed this Treaty.

Done at Tokei (Yedo) this eighteenth day of October in the year of our Lord one thousand eight hundred and sixty-nine ; or the fourteenth day of the ninth month of the second year of Meiji according to Japanese reckoning.

[L. S.] (Signed) FREIHERR VON PETZ,
Contre Admiral.

[L. S.] SAWA KIYOWARA NO ASON NOBUYOSHI.

[L. S.] TERASHIMA FUYIWARA NO ASON MUNENORI.

REGULATIONS

UNDER which the Trade of the Austro-Hungarian Monarchy is to be conducted in Japan.

REGULATION I.

Within forty-eight hours (Sunday excepted) after the arrival of an Austro-Hungarian ship in a Japanese port, the Captain or Commander shall exhibit to the Japanese Custom House Authorities the receipt of the Imperial and Royal Consul, showing that be has deposited all the ship's papers, the ship's bills of lading, etc., at the Imperial and Royal Consulate, and he shall then make an entry of his ship, by giving a written paper, stating the name of the ship, and the name of the port from which she comes, her tonnage, the name of her Captain or Commander, the names of her passengers (if any) and the number of her crew, which paper shall be certified by the Captain or Commander to be a true statement and shall be signed by him; he shall at the same time deposit a written manifest of his cargo, setting forth the marks and numbers of the packages and their contents, as they are described in his bills of lading, with the names of the person or persons to whom they are consigned. A list of the stores of the ship shall be added to the manifest.

The Captain or Commander shall certify the manifest to be a true account of all the cargo and stores on board the ship and shall sign his name to the same. If any error is discovered in the manifest, it may be corrected within twenty four hours (Sunday excepted) without the payment of any fees, but for any alteration or post entry to the manifest made after that time a fee of fifteen dollars shall be paid.

All goods, not entered on the manifest shall, besides the duty, pay a fine equal in amount to that duty.

Any Captain or Commander who shall neglect to enter his vessel at the Japanese Custom House within the time prescribed by this regulation, shall pay a penalty of sixty dollars for each day that he shall so neglect to enter his ship.

REGULATION II.

The Japanese Government shall have the right to place Custom House Officers on board of any ship in their ports (men of war excepted). The Custom House Officers shall be treated with civility and such reasonable accommodation as the ship affords shall be allotted to them.

No goods shall be unladen from any ship between sunset and sunrise except by special permission of the Custom House Authorities and the hatches and all other places of entrance into that part of the ship, where the cargo is stowed, may be secured by Japanese Officers between sunset and sunrise, by fixing seals, locks or other fastening; and if any person shall, without due permission, open any entrance so secured, or break open or take off any seal, lock or other fastening, that has been affixed by the Japanese Custom House Officers, every person so offending shall pay a fine of sixty dollars for each offence.

Goods that shall be discharged or attempted to be discharged from any ship without having been duly entered at the Japanese Custom House, as herein after provided shall be liable to seizure and confiscation.

Packages of goods, made up with an intent to defraud the revenue of Japan by concealing therein Articles of value which are not set forth in the invoice, shall be forfeited.

If any Austro-Hungarian ship shall smuggle or attempt to smuggle goods at any of the non-opened harbours of Japan, all such goods shall be forfeited to the Japanese Government and the ship shall pay a fine of one thousand dollars for each offence of this kind.

Vessels needing repairs may land their cargo for that purpose without the payment of duty. All goods so landed shall remain in charge of the Japanese Authorities, and all just charges for storage, labour and supervision shall be paid thereon. But if any portion of such cargo be sold, the regular duties shall be paid on the portion so disposed of. Cargo may be transhiped to another vessel in the same harbour without payment of duty, but all transhipment shall be made under the supervision of Japanese Officers, and after satisfactory proof has been given to the Custom House Authorities of the bona fide nature of the transaction, and also under a permit to be granted for that purpose by such authorities. A fine of sixty dollars shall be paid for any infraction of this rule.

The importation of Opium being prohibited, any Austro-Hungarian vessel coming to Japan for the purpose of trade and having more than three catties weight of Opium on board, the surplus quantity may be seized and destroyed by the Japanese Authorities; and any person or persons smuggling or attempting to smuggle Opium shall be liable to pay a fine of fifteen dollars for each catty of Opium so smuggled or attempted to be smuggled.

Regulation III.

The owner or consignee of any goods who desires to land them, shall make an entry of the same at the Japanese Custom House. The entry shall be in writing and shall set forth the name of the person making the entry and the name of the ship in which the goods were imported, and the marks, numbers, packages and the contents thereof, with the value of each package extended separately in one amount; and at the bottom of the entry shall be placed the aggregate value of all the goods contained in the entry. On each entry the owner or consignee shall certify in writing, that the entry then presented exhibits the actual cost of the goods and that nothing has been concealed whereby the customs of Japan would be defrauded, and the owner or consignee shall sign his name to such certificate.

The original invoice or invoices of the goods, so entered, shall be presented to the Custom House Authorities and shall remain in their possession until they have examined the goods contained in the entry

The Japanese Officers may examine any or all the packages so entered and for this purpose may take them to the Custom House; but this examination must be made without expense to the importer or injury of the goods; and after examination the Japanese shall restore the goods to their original condition in the packages (so far as may be practicable) and such examination shall be made without any unreasonable delay.

If any owner or importer discovers that his goods have been damaged on the voyage of importation before having been delivered to him, he may notify such damage to the Custom House Officers, and he may have the damaged goods appraised by two or more competent and disinterested persons, who after due examination shall deliver a certificate setting forth the amount per cent of damage on each separate package, describing it by its mark and number. This certificate shall be signed by the appraiser, in presence of the Custom House Authorities. The importer may attach it to his entry and make a corresponding deduction from it.

But this shall not prevent the Custom House Authorities from appraising the goods in the manner provided in the Article VIII. of the Treaty to which these Regulations are appended.

After the duties have been paid the owner shall receive a permit authorising the delivery to him of the goods, whether the same are at the Custom House or on ship-board.

All goods intended to be exported shall be entered at the Japanese Custom House before they are placed on ship-board. The entry shall be in writing and shall state the name of the ship by which the goods are to be exported, with the marks and numbers of the packages, and the quantity, description and value of their contents. The exporter shall certify in writing, that the entry is a true account of all goods contained therein, and shall sign his name thereto.

Any goods which are put on board a ship for exportation, before they have been entered at the Custom House, and all packages which contain prohibited articles, shall be forfeited to the Japanese Government.

No entry at the Custom House shall be required for supplies for the use of the ships, their crews and passengers, nor for the clothing, etc., of passengers.

The Japanese Custom House Officers may seize any suspected package, but on doing so they must give notice to the Imperial and Royal Consular Officer.

Goods which are confiscated by the decision of the Imperial and Royal Consular Officers, shall at once be delivered to the Japanese Authorities and all fines or forfeitures decreed by the Imperial and Royal Consular Officers shall be levied by them without delay, and paid over to the Japanese Authorities.

Regulation IV.

Ships wishing to clear shall give twenty-four hour's notice at the Custom House, and at the end of that time they shall be entitled to their clearance. But if it be refused the Custom House Authorities shall immediately inform the Captain or Consignee

of the ship of the reason why the clearance is refused, and they shall also give the same notice to the Imperial and Royal Consul, who will not deliver to the Captain the deposited ship-papers until he produces a receipt from the Custom House stating that all duties have been paid.

Imperial and Royal men-of-war shall not be required to enter or clear at the Custom House, nor shall they be visited by Japanese Custom House or police-officers.

Steamers conveying the mail of the Austro-Hungarian Monarchy may enter and clear on the same day, and they shall not be required to make a manifest, except for such passengers and goods, as are to be landed in Japan. But such steamers shall in all cases enter and clear at the Custom House.

Whale ships touching for supplies, or ships in distress, shall not be required to make a manifest of their cargo; but if they subsequently wish to trade, they shall then deposit a manifest as required in Regulation I.

The word "ships," wherever it occurs in these Regulations or in the Treaty, to which they are annexed, is to be held as meaning a vessel, barque, brig, schooner, sloop or steamer.

Regulation V.

Any person, signing a false declaration or certificate, with the intent to defraud the revenue of Japan, shall pay a fine of one hundred and twenty-five (125) dollars for each offence.

Regulation VI.

No tonnage dues shall be levied on Austro-Hungarian ships in ports of Japan, but the following fees shall be paid to the Japanese Custom House Authorities:—For the entry of a ship, fifteen dollars; for the clearance of a ship, seven dollars; for the permit to land or ship goods, wherever they may be mentioned in these regulation, no fee has to be paid; for every other document, as bills of health, etc., one dollar and a half.

Regulation VII.

Duties shall be paid to the Japanese Government on all goods landed in Japan, and on all Japanese goods intended for exportation according to the Tariff annexed to this Treaty.

Regulation VIII.

Any Japanese subject shall be free to purchase either in the open ports or abroad every description of sailing vessels or steamers, intended to carry either cargo or passengers, with the exception of ships of war, which may only be purchased under the authorisation of the Japanese Government.

All Austro-Hungarian ships purchased by Japanese subjects shall be registered as Japanese ships on payment of a duty of three Boos per Ton for steamers and one Boo per Ton for sailing vessels.

The tonnage of each vessel shall be proved by the Austro-Hungarian register of the ship, which shall be certified as authentic by the Imperial and Royal Consular Officer and exhibited by him to the Japanese Authorities on their demand.

Ammunitions of war can only be sold to the Japanese Government and to foreigners.

Regulation IX.

Austro-Hungarian citizens residing in Japan, and the crews and passengers of ships, belonging to the said Monarchy shall be free to purchase for their own consumption supplies of those kinds of grain and flour, the export of which is prohibited by the tariff; but the usual permit must be obtained from the Custom House before any of the aforesaid kinds of grain or flour can be shipped on board of an Austro-Hungarian vessel.

The Japanese Government will offer no difficulty to the transport from one open port to another of those kinds of Japanese grain and flour, the export of which to foreign ports is prohibited; should however particular circumstances make it desirable that the transport of these articles from any one of the open ports should, for a certain time, be prohibited both to Japanese and foreigners, the Japanese Government will give two month's notice of such prohibition to the foreign authorities, and will further undertake that the said prohibition shall not remain longer in force than is absolutely necessary.

Regulation X.

The Catty, mentioned in the tariff, is equal to 604 grammes 53 centigrammes, or 1⅓ pound English Avoirdupois, or 1.08 pound Austrian weight.

The Yard is a measure of three English feet, equal to 914 millimetres.

The English Foot is equal to 0.3047 metres and is one eighth of an inch longer than the Japanese Kaneshaku.

The Koku is equal to ten cubic feet English measure, or to one hundred and twenty feet of American timber measure of one inch in thickness.

The Boo or Itziboo is a silver coin weighing not less than 8.67 grammes (134 grains Troy weight) and containing nine parts of pure silver and one part of alloy.

The Cent is the one hundredth part of the Boo.

Regulation XI.

In order to put a stop to the abuses and inconveniences at the open ports, relative to the transaction of business at the Custom House, the lading and shipping of goods and the hiring of boats, coolies, servants, ect., the high contracting Parties have agreed, that at each port the local Authorities shall from time to time enter into negotiations with the foreign Consuls, with a view to the establishment by mutual consent of such measures, as shall effectually put an end to any complaints and shall afford all desirable facility and security both to the operation of trade and to private transactions between foreigners and Japanese.

The Japanese Government will construct at the landing places of each of the open ports one or more landing sheds for the use of Austro-Hungarian citizens when landing or shipping cargo.

[L.S.] (Signed) FREIHERR VON PETZ,
Contre Admiral.

[L.S.] SAWA KIYOWARA NO ASON NOBUYOSHI.

[L.S.] TERASHIMA FUYIWARA NO ASON MUNENORI.

TARIFF.

A—IMPORT.

CLASS I.

SPECIFIED DUTIES.

No.	ARTICLES.	Per	Boos.	Cents.
1	Alum	100 catties.	0	15
2	Betel Nut	,,	0	45
3	Brass Buttons	Gross.	0	22
4	Candles	100 catties.	2	25
5	Canvas and Cotton Duck	10 yards.	0	25
6	Cigars	Catty.	0	25
7	Cloves and Mother-Cloves	100 catties.	1	0
8	Cochineal	,,	21	0
9	Cordage	,,	1	25
10	Cotton, Raw	,,	1	25
	Cotton Manufactures.			
11	Shirtings—grey, white and twilled, white spotted or figured; drills and jeans; white brocades; T-cloths, cambrics, muslins, lawns, dimities, quiltings, cottonets. All the above goods dyed, printed cottons, chintzes and furnitures:—			
	(A.)—Not exceeding 34 inches wide	10 yards.	0	7½
	(B.)—Not exceeding 40 inches wide	,,	0	8¾
	(C.)—Not exceeding 46 inches wide	,,	0	10
	(D.)—Exceeding 46 inches wide	,,	0	11½
12	Taffachelass, not exceeding 31 inches wide	,,	0	17½
	Do. exceeding 31 inches and not exceeding 40 inches	,,	0	25
13	Fustians, as cotton velvets, velveteens, satins, satinets and cotton damask, not exceeding 40 inches	,,	0	20
14	Ginghams, not exceeding 31 inches	,,	0	6
	Do. not exceeding 43 inches	,,	0	9
15	Handkerchiefs	Dozen.	0	5
16	Singlets and Drawers	,,	0	25
17	Table Cloths	Each.	0	6
18	Cotton Thread, plain or dyed, in reel or ball	100 catties.	7	50
19	Cotton Yarn, plain or dyed	,,	5	0
20	Cutch	,,	0	75
21	Feathers (Kingfisher, Peacock, &c.)	100 in number.	1	50
22	Flints	100 catties.	0	12
23	Gambier	,,	0	45
24	Gamboge	,,	3	75
25	Glass, Window	Box of 100 sq. ft.	0	35
26	Glue	100 catties.	0	60
27	Gum Benjamin and Oil of ditto	,,	2	40
28	Do., Dragon's Blood, Myrrh, Olibanum	,,	1	80
29	Gypsum	,,	0	8
30	Hides—Buffalo and Cow	,,	1	20
31	Horns—Buffalo and Deer	,,	1	05
32	Do. —Rhinoceros	,,	3	50
33	Hoofs	,,	0	30
34	Indigo—liquid	,,	0	75
35	Do. —dry	,,	3	75
36	Ivory, Elephant's Teeth, all qualities	,,	15	00
37	Paint, as red, white and yellow lead (minium ceruse and massicot), and paint oils	100 catties.	1	50
38	Leather	,,	2	00
39	Linen, all qualities	10 yards.	0	20
40	Mangrove Bark	100 catties.	0	15
41	Matting, Flour	Roll of 40 yards.	0	75

SPECIFIED DUTIES—*Continued.*

No.	ARTICLES.	Per	Dues.	Cents.
	Metals.			
42	Copper and Brass, in slabs, sheets, rods, nails	100 catties.	3	50
43	Yellow Metal, Muntz Metal, Sheathing and Nails	„	2	50
44	Iron manufactured, as in rods, bars, nails, &c.	„	0	30
45	Do. do. pigs	„	0	15
46	Do. do. kentledge	„	0	6
47	Do. do. wire	„	0	80
48	Lead—pigs	„	0	80
49	Do. —sheet	„	1	00
50	Spelter and Zinc	„	0	60
51	Steel	„	0	60
52	Tin	„	3	00
53	Tin Plates	Box not ex'ding 90 cat.	0	70
54	Oil Cloth, for flooring	100 yards.	0	30
55	Do. or leather cloth for furniture	„	0	15
56	Pepper—black and white	100 catties.	1	00
57	Putchuk	„	2	25
58	Quicksilver	„	6	00
59	Quinine	Catty.	1	50
60	Rattans	100 catties.	0	45
61	Rhubarb	„	1	00
62	Salt Fish	„	0	75
63	Sandal Wood	100 catties.	1	25
64	Sapan Wood	„	0	40
65	Sea-Horse Teeth	„	7	50
66	Narwhal and Unicorn Teeth	Catty.	1	00
67	Shark's Skins	100 pieces.	7	50
68	Snuff	catty.	0	30
69	Soap, Bar	100 catties.	0	50
70	Stic lac	„	1	75
71	Sugar—brown and black	„	0	40
72	Do. —white	„	0	75
73	Do. —candy and loaf	„	1	00
74	Tobacco	„	1	80
75	Vermillion	„	9	00
	Woollen Manufactures.			
76	Broad, Habit, Medium and Narrow Cloth, not exceeding 34 inches	100 yards.	0	60
	Ditto not exceeding 55 inches	„	1	00
	Ditto exceeding 55 inches	„	1	25
77	Spanish Stripes	„	0	75
78	Cassimeres, Flannel, Long Ells and Serges	„	0	45
79	Bunting	„	0	15
80	Camlets—Dutch	„	0	75
81	Do. —English	„	0	40
82	Lastings, Crape Lastings and Worsted Crapes, Merinos, and all other Woollen Goods not classed under No. 76:—			
	(A.)—Not exceeding 34 inches	„	0	30
	(B.)—Exceeding 34 inches	„	0	45
83	Woollen and Cotton Mixtures, as Imitation Camlets, Imitation Lastings, Orleans (plain and figured), Lustres (plain and figured), Alpacas, Baratheas, Dsmasks, Italian Cloth, Taffachelass, Tassel Cords, Cassandras, Wollen Fancies, Camlet Cords, and all other Cotton and Woollen Mixtures:—			
	(A.)—Not exceeding 34 inches	100 yards.	0	30
	(B.)—Exceeding 34 inches	„	0	45
84	Blankets and Horse Cloths	10 catties.	0	50
85	Travelling Rugs, Plaids and Shawls	Each.	0	50
86	Figured Woollen Table Cloth	„	0	75
87	Woollen Singlets and Drawers	Dozen.	0	80
88	Woollen and Cotton Singlets and Drawers	„	0	50
89	Woollen Yarn—plain and dyed	100 catties.	10	00

CLASS II.

Duty-free Goods.

1. All Animals used for food or draught.
2. Anchors and Chain Cables.
3. Coal.
4. Clothing, not being Articles names in this Tariff.
5. Gold and Silver, coined and uncoined.
6. Grain, including Rice, Paddy, Wheat, Barley, Oats, Rye, Peas, Beans, Millet Indian Corn.
7. Flour and Meal prepared from above.
8. Oil Cake.
9. Packing Matting.
13. Printed Books.
11. Salt.
12. Salted Meats in Casks.
13. Saltpetre.
14. Solder.
15. Tar and Pitch.
16. Tea-firing Pans and Baskets.
17. Tea Lead.
18. Travelling Baggage.

CLASS III.

Prohibited Goods.

OPIUM.

CLASS IV.

Goods subject to an *ad valorem* Duty of 5 per cent. on original value.

1. Arms and Munitions of War.
2. Articles de Paris.
3. Boots and Shoes.
4. Clocks, Watches, and Musical Boxes.
5. Coral.
6. Cutlery.
7. Drugs and Medicines, such as Ginseng, &c.
8. Dyes.
9. European Porcelain and Earthenware.
10. Furniture of all kinds, new and second hand.
11. Glass and Crystal ware.
12. Gold and Silver Lace and Thread.
13. Gums and Spices not named in the Tariff.
14. Lamps.
15. Looking-Glasses.
16. Jewellery.
17. Machinery and manufactures in Iron or Steel; manufactures of all kinds in Silk Silk and Cotton, or Silk and Wool, as Velvets, Damasks, Brocades, &c.
18. Paintings and Engravings.
19. Perfumery, Scented Soap.
20. Plated Ware.
21. Skins and Furs.
22. Telescopes and Scientific Instruments.
23. Timber.
24. Wines, Malt and Spirituous Liquors, table Stores of all kinds.

And all other unenumerated Goods.

B—EXPORT.

CLASS I.

Specified Duties.

No.	ARTICLES.	Per	Boos.	Cents.
1	Awabi	100 catties.	3	0
2	Do. Shells	„	0	8
3	Camphor	„	1	80
4	China Root ("bukrio")	„	0	75
5	Cassia	„	0	30
6	Do. Buds	„	2	25
7	Coal	„	0	4
8	Cotton, Raw	„	2	25
9	Coir	„	0	45
10	Fish—dried or salted, Salmon and Cod	„	0	75
11	Do. Cuttle	„	1	5
12	Gall Nuts	„	0	90
13	Ginsng	„	0	45
14	Hemp	„	2	0
15	Honey	„	1	5
16	Horns—Deer's, old	„	0	90
17	Irico or Beche-de-mer	„	3	0
18	Iron—Japanese	„	0	60
19	Isinglass	„	2	25
20	Lead	„	0	90
21	Mushrooms, all qualities	„	5	0
22	Oil, Fish	„	0	30
23	Do., Seed	„	1	5
24	Paper, Writing	„	3	0
25	Do. inferior	„	1	0
26	Peas, Beans and Pulse of all kinds	„	0	30
27	Peony Bark ("botanpi")	„	3	75
28	Potatoes	„	0	15
29	Rags	„	0	12
30	Saké or Japanese Wines or Spirits	„	0	90
31	Seaweed, uncut	„	0	30
32	Do. cut	„	0	60
33	Seeds, Rape	„	0	45
34	Do. Sesamum	„	0	90
35	Shark's Fins	„	1	80
36	Shrimps and Prawns—dried, salt	„	1	80
	Silk.			
37	Raw and Thrown	100 catties.	75	0
38	Tama or Dupioni	„	20	0
39	Noshi or Skin Silk	„	7	50
40	Floss Silk	„	20	0
41	Cocoons, pierced	„	7	0
42	Do. unpierced	„	12	0
43	Waste Silk and Waste Cocoons	„	2	25
44	Silkworm's Eggs	Sheet.	0	$7\frac{1}{2}$
45	Soy	100 catties.	0	45
46	Sulphur	„	0	30
47	Tea	„	3	50
48	Do., quality known as "Bancha" (when exported from Nagasaki only)	„	0	75
	Timber.			
49	Soft Woods, all kinds as Hinoki (Sprnce), Matsu (Pine), Todo (Fir), Sugi (Cedar), &c., whether in the rough, cut or dressed	100 kokus.	6	0

Specified Duties—*Continued.*

No.	ARTICLES.	Per	Boos.	Cents.
	Timber—*continued.*			
50	Hard Woods, all kinds, as Nara (Oak), Tamo (Elm), Sen (Ash), Buuno (Beech), Itaya (Maple), Kuri (Chesnut), Ha (Alder), Kaba (Birch), Katsura, Ho, S, Koro, Yas'se, Keaki, Kashi, Ys'su, Kusonoki, Kurogaki, &c., whether in the rough, cut or dressed.	100 kokus.	7	60
51	Tobacco, Leaf	100 catties.	0	75
52	Do. cut or prepared	,,	1	50
53	Vermicelli	,,	0	45
54	Wax Vegetable	,,	1	50
55	Do. Bee's	,,	2	50

CLASS II.

Duty-free Goods.

Gold and Silver coined, Gold, Silver uncoined, of Japanese production, to be sold only by the Japanese Government at Public Auction.

CLASS III.

Prohibited Goods.

1. Rice, Paddy, Wheat and Barley.
2. Flour made from the above.
3. Saltpetre.

CLASS IV.

GOODS SUBJECTED TO *ad valorem* DUTY OF 5 PER CENT TO BE CALCULATED ON THEIR MARKET VALUE.

1. Bamboo Ware.
2. Copper and Copper Utensils of all kinds.
3. Charcoal.
4. Ginseng, and unenumerated Drugs.
5. Horns—Deer, young or soft.
6. Mats and Matting.
7. Silk Dresses, manufactures or embroideries.
8. Timber, except from Hakodate.

And all other unenumerated Goods.

[L.S.] (Signed) FREIHERR VON PETZ,
Contre Admiral.

[L.S.] SAWA KIYOWARA NO ASON NOBUYOSHI.

[L.S.] TERASHIMA FUYIWARA NO ASON MUNENORI.

Rec'd 11 May

Acknowledged 10 June Mr. Chilton

No 39.

Mr Delong to Department of State

Yokohama Japan. - April 9. 1870

Simonoseki indemnity. -

Renewal of obligation to pay the remaining moiety of $1.500000 Mexican Currency. on or before the 15 May 1872.

Duty on Silk and Tea not to be increased but to remain as fixed by Convention of Jedo of June 25. 1866. -

No 39. Legation of the United States in Japan

Yokohama April 9. 1870

Sir,

With reference to my Despatch No 28 of the 9th Ultimo and its enclosure, Copy of a joint Letter of the Representatives of the Powers interested, I now have the honor to transmit Enclosure No 1. Copy-translation No 1 of the reply of the Minister for Foreign Affairs, announcing the obligation of the Japanese Government to pay the whole of the moiety remaining due (namely one million five hundred

The Honorable Hamilton Fish

Secretary of State

Washington.

Howard

thousand (1.500.000) Mexican Dollars
of the Simonoseki indemnity, on or
before the 15th May 1872;- and in
return for this extension of payment
granted, and for the waiver of
interest on that amount up to the
date named, - absenting to defer
the collection of the increased rate
of duty on tea and Silk; and to
maintain the duty on those two
staple articles of export, as fixed
by the Convention of Yedo of the 25th
June 1866.-

I have the honor to be, Sir
Very Respectfully
Your most Obedient Servant
C E DeLong
Minister Resident.

Yokei (Yedo) the 8th of the 3rd month
of the 3rd Year of Meiji (8th April 870.)

To

His Excellency,

C E DeLong

Minister Resident of the United States.

Sir,

We have the honor
to acknowledge the receipt of
Your Excellency's letter dated
the 29th of the 2nd month of this
Year informing us in reply to
our written request that the
Government of the United States
acting in concert with the
Governments of France, Great
Britain and the Netherlands has

Consented

Consented to the ~~postponement~~ of
the payments of the remaining
moiety of the Simmoleki indemnity
until the Jear Saru (the 15th May
1872;) - And we now beg to
State, that the Japanese Government
will not fail to pay the whole
of the moiety remaining due on
or before the 15th May 1872. - and
that in view of the repeated delays
which have occurred in the payment
of the said indemnity and of
the relinquishment of interest on
that money for the past two Years
and also for the three Years
terminating on the 15th May 1872.
the Collection of duty on Silk
and tea according to the increased
rates provided in the Agreement

executed

executed between the Japanese Government and the Foreign Representatives on the 21st day of the 4th month of the 2nd Year of Meiji last (1st June 1869) shall be deferred until the revision of the Treaties in 1872; - and hence that the Tariff appended to the Convention of the 13th day of the 5th month of the 2nd Year of Ke Wo (the 25th June 1866) shall continue in force. -

With respect and consideration

Signed Sawa Jusammi Kiyowara no Nobutsuki's

Seal

Terashima Jushii Fujiwara no Munenori

Minister for Foreign Affairs. -

Enclosure No 1

with despatch No 39.

dated Yokohama April 9. 1870.

Recd 21. Mar. Mr. Chilton

No. 40. Acknowledged 10 June

Mr Delong to Department of State

Yokohama. Japan April 10. 1870..

American residents in Japan..

Apparent centralization of trade at Yokohama.

No 40 Legation of the United States in Japan

Yokohama April 10: 1870

Sir,

From a carefully compiled directory I find, that only two American Mercantile firms are established at Nagasaki, in addition to an Agency of the Pacific Mailsteamship Company. -

At Neegata the only American resident is the recently appointed Consular Agent; and at Hakodate, the only American firm consists of the two Sons of our Consul Mr Rice. -

The Honorable Hamilton Fish

Secretary of State

Washington.

&c.

At Osacca there is not one American residing and but few at Hiogo: and at Yedo there are four missionaries and three other temporary residents.

Our trade with Japan is evidently tending towards centralization at this port.

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant

O. E. DeLong

Minister Resident.

Mem to Mr. May: Mr. Schutter acknowledged 10 June

No 41

FOREIGN Relations '70

Mr DeLong to Department of State

Yokohama Japan. April 12, 1870.

1. Enclosure.

Christianity in Japan.

Report of the deportation of Native Christians from Nagasaki - Missionaries in Japan employed as teachers at high salaries to prevent their proselyting.

No 41 Legation of the United States in Japan

Yokohama April 12. 1870.

Sir,

I have the honor to transmit herewith Enclosure No 1., Copy-translation of a document, alleged to be a report of the Officers, who executed the decree of deportation of the Native converts to Christianity from Urakami near Nagasaki.

No 1.

Whether true or not the report as yet stands uncontradicted.

The closing sentences correctly embody the views held by the educated classes in Japan of missionary

The Honorable Hamilton Fish
Secretary of State
Washington.

Offici

effort.. Only a few Protestant Missionaries are now employed at very high salaries by the Government in their public schools, and others, I have learned, will also be offered Similar employment at an early day; the principal object of this measure being to put a Stop to proselytism as far as possible..

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant

/s/ E. D. Long

Minister Resident.

Copy
translation.

Memorandum by the Officers who
went from Nagasaki (to Urakami)

Paragraph I. Sentence 2. Reply.

The removal of the Christians was
completed by the 8th of January and
in the letter we wrote on the morning
of the 9th, the words up till yesterday
occur. We could not know what
would take place afterwards. The
Ships on which the Christians were
embarked left the port, but two
of the Steamers received some injury
at Sea - and this together with
other difficulties caused them to
return to Harbor. The arrival of
other vessels was awaited and to

Close

there the Christians were transferred. Some persons who had been absent in some other place when their relations were removed now came forward and begged to be sent to the same place.

So many houses at Urakami being left vacant at the same time it was necessary, in order to prevent robberies, that officers should be sent there, but as the search for the Christians had been already completed there was no reason for any further search now that they had been removed.

Sentence 2. Reply.

All of them were aware that the practice of Christianity is most strictly prohibited and that the offenders against this law are liable to be severely punished. Therefore when they were informed

that

that in distributing them amongst the Han families would not be separated, and that the Han had received instructions to provide them with facilities for gaining a livelihood. they received the announcement with gratitude, for they learnt that so far from being punished with the severity demanded by law, they were on the contrary to be treated with the greatest consideration. As natural born subjects of Japan. they were bound to obey the Japanese laws. - what doubt therefore can there be that they appreciated the indulgence with which they were treated on this occasion?

Sentence 3. Reply.

Every head of a family without exception received an allowance for buying

buying Straw Shoes. The Sick were told that they might go into hospital and receive treatment, but most of them preferred to go onboard with the others.- In the same way one pregnant woman asked to accompany her family. and She as well as the others were removed- in accordance with their own wishes. As the pregnant woman just Spoken of seemed close to her confinement. Her Case was a very pitiable one - and She was recommended to stay behind and be attended to. but She persisted in her desire to go onboard Ship with the rest; which was accordingly done. She was certainly not urged by the officers to go onboard.

When the Christians were removed the officers went to Chakami on the

previous

previous day. and visiting all the houses
in every village where large families
lived. informed them in a kind way of
the Emperors will - . On the following
morning they made their preparations
for embarking and assembled at the
houses of their respective Shoyas (heads
of villages) These persons were offenders
against a law of the Empire and
the Japanese practice is to summon
such before the proper officials and
treat them like Jetai, who are the
lowest of the people. but in the
present case the officials have promoted
themselves to their houses and taken
most exceptional measures in regard
to them. This will convince
every one that no cruelty has been
practised on them.

Leonard

Second Paragraph. Reply.

There were also some weak from old age, but these too were removed in compliance with their own wish. In order that there might afterwards be proof that they were not compelled by the officials to embark they were caused to make their request in writing. As the distance from Urakami to Nagasaki is but short, some who were embarked from the latter place were carried on the backs of coolies, but of those who were sent to Tokitsu for embarkation, some were almost "Kafo" (sedanchairs) owing to the distance. Many of them were accustomed to go barefoot, and the reason for not wearing their shoes was because they preferred to go without.

Third

Third Paragraph. Reply

The Statement that families were divided seems founded on false reports. First of all the heads of families in all the villages were sent on board and their destination determined. The families were then distributed in such a way as to be sent to the Same Farm as the heads. Their number rendered it impossible to send the families also in the Same Ship. but even though placed onboard another Ship this only made a difference of one or two days - and there is no doubt but that in every case the members of each family arrived at the Same Farm. There were however parents and children brothers and Sisters of the present emigrants who were removed during last year.

but

but when an offer was made to them
to send them to the same Ham, the
relations of persons who had gone to
Chorhii with one consent expressed their
unwillingness to go there. - The reason
of this was that they had heard that
the Christians who had been sent to
Chorhii last year had one after another
retracted their errors. Hence they
earnestly begged to be sent to some
other Ham - and in some cases this
request was granted. - In their case
it may be said that families have
been separated, but in no case have
families been separated from act.

If through any mistake separation
had occurred, much time would have
been lost in ultimately sending the
separated families to the same place.

The

The Object was to send every family to the same place - and as several Ships were employed and a distribution made amongst the many different Han we were very anxious lest there should be any confusion which might cause the Separation of families - and all the officials from the Chikugi downwards went to Urakami and to the Landing stairs - and attended to all the proceedings until they were embarked onboard Ships :- All suspicion will be removed if the true account of these facts is enquired from the people of Nagasaki.

Fourth Paragraph :- Reply

No such thing as arresting the Christians and bringing them along in Custody really occurred. Their names

were

were perfectly well known to the authorities beforehand - and as was said above, the officers went to each house in all the villages and gave them notice. A Certain number of Christians were placed in charge of each officer, who gave each of his party a Yellow handkerchief or some other mark by which they might be distinguished - and they were told that when they came next day, having made their preparations, if they brought with them their handkerchiefs or other tokens, they would avoid becoming mixed up with people from other villages and means would be taken to transport not only persons of the same family, but even neighbours to the same destination. They accordingly assembled at the places named by

d.

the officials and at the time appointed. bringing with them the handkerchief or other tokens in the intention of all going onboard at the same time. It may be remarked that even before being ordered by the officials to bring there tokens. some had already themselves provided with white cotton handkerchiefs as tokens to distinguish them. How were certainly not given by the officers in order to distinguish the christians from the Heathen sect. We have however not been able to discover that there is any sect in Japan denominated "Heathen".

Fifth Paragraph. Reply.

The families of the christians were informed beforehand that they might bring with them their clothes

and

and other articles for present use.. Con-
sequently some of them carried bundles and
others put on several suits of clothes. Some
of the poorer classes had not any clothes,
and money was sent them for their
purchase., their farming implements
being deposited with the Khoja as security.

The property which was left behind
consisting of horses, cattle poultry and
vegetables was sold by public auction.

The persons were deposited with the
Authorities. Their household property was
placed under Seal and their houses shut
up. - Military was placed over them
by night and day to guard against fire
and robbery - and effectual precautions
were taken against their loss. - Some
time was necessary before all the property
left behind in the houses of the different

villages

villages could be collected.

Ninth Paragraph. Reply.

Per the Lay that the heads of villages were first of all sent on board Ship it was stormy and snow - and as they suffered a great deal from the cold, the authorities provided them with Sake and rice. If enquiries are made from the merchants who sold the Sake - and from the messengers who fetched the Sake and rice - the truth of this will be plainly shown.

Again when the families were about to be sent onboard Ship as night had fallen - and anxiety was felt lest the confusion should cause families to be separated, we were obliged to put them up for the night in the public Storehouses

near

near the landing stairs... On this occasion the night vendors of eatables were admitted within the enclosure - and the Christians were allowed to purchase whatever they chose... As most of them were women and children no Sake was provided by the authorities. but as half boiled rice was served out to them. On this occasion clerks from the Accountants' Department were present and superintended the distribution of the rice... Both the Officers detached for this duty and the Christians ate the same rice and the food of both was identical.

Second Paragraph. Reply.

With regard to the travelling arrangements. General instructions were given both to the guards sent from the Nagasaki Ken - and to the

official.

-5

Officials of Han who were to receive them and certainly nothing improper could have taken place.

Eighth Paragraph. Reply.

Strict injunctions were given beforehand to the Han by Government to employ the Christians upon their arrival in their general avocations to allow them personal freedom and instructions to make them loyal subjects - so that there is no reason to doubt that after their arrival at their destinations they enjoyed repose.

Concluding sentences. Reply.

If the Christians had been violently seized and brought along, it would have been easy to employ the services of police officers to make them embark. - So far from this being done

Left

high Officers went about in every
direction - and informed them what
was about to be done. - Not one person
was arrested by the Authorities - On the
Contrary they came of their own accord.

First of all - on the 1st of January
1870. the heads of families all received
Notice from the Authorities to come at
9 o' clock the next morning; but of
those Summoned only a few presented
themselves. The uniform practice in
Japan has always been to punish all
who when Summoned refuse to come.
and even those who appear later than
the time indicated to them. In this
Case however. special measures were taken
and on the night of that day Officers
went to Urakami and Summoned
the Christians together to the Shoya. They

were

were then asked why they had not obeyed the command of the authorities when they made all sorts of excuses and pleaded urgently for a delay of two or three days.

The officers saw that the Christians expecting to be sent to other provinces, like those who were removed last year wanted a delay of three days for collecting their household property and granted their request. At their families were not removed till afterwards they made use of the interval to arrange with their friends in the village to make some sort of disposal of their property. It was in the above way that things were managed and no resistance whatever was made to military force. - What possible reason could there have been for them to run away

and

and hide in the hills. The officers who were to accompany them to the various Kaus took charge each of his company at Urakawa and accompanied them aboard. Many houses were left uninhabited but patrols were despatched thither to prevent evil disposed persons from other places from coming and doing mischief.

The escort of the Christian native officers with other criminals in their custody were unprovided with firearms, and this is a proof that military force was not resorted to.

The Christians appear to have conjectured that when they were summoned on the 1st of January it was for the purpose of being removed to some other province. For about thirty persons ran away. - The reason for this was

that

that there were among the Christians
daily beheard men who had brought
their households to ruin and neglected
the tilling of their farms, preferring
to make a living by giving religious
instruction to old women and young
girls. These men knew that if the
measure of the Government were carried
out, their means of livelihood would
be at an end. - and so they spread
reports of cruel treatment by the
Authorities - and created distrust
in the minds of the people. - this
induced some to take to flight from
fear.

The passage in which it is
said that the people of Nagasaki
pitied all the Christians must
mean that those who happened to

see

see them, walking along the muddy road pitied them, not remembering that they were accustomed to it - and did not much mind it. The weather was unfortunately cold and rainy and the road was in a bad state. The Officers themselves pitied them because the weather was so bad. This however cannot be attributed to the cruelty of the Government.

Since the foundation of the Japanese Empire it has been the National Custom for High and Low to venerate as the Ancestors of our Emperor the Gods worshipped by them, and the people who show no honor or veneration for the deities who were the parents of our race. No matter how industrious in their occupations

occupations they may be. Commit a grave breach of a law by which the entire Nation is ruled. How can these persons be called civilized. no matter how great an esteem they may profess to (teach) have European Civilization. If the only result of their efforts is to produce National dissensions.

Re- 21. May

No. 42.

acknowledge - The Commander-in-Chief of the United States does not contemplate that the Consuls shall report to the Minister

Dispatch June H.P.

Mr Chilton

Mr DeLong to Department of State

Yokohama Japan. April 15. 1870.

1. Enclosure.

British Consular Annual report of trade at Yokohama for 1869. - published by Authority. . American Consuls not yet required to furnish Legation with reports.

". General remarks on Currency of Report

derived from. -

No 42

Legation of the United States in Japan

Yokohama April 15. 1870.

Sir,

I have the honor to transmit herewith Enclosure No 1. printed report by H B Miles Consul of the trade of this port during the year 1869.

In despatch No 58 of the 23d July of last year, the Department was informed, that the Consuls of the United States in Japan not being required by law to forward their returns through this Legation, they have generally shown a disinclination to furnish it with information on

The Honorable Hamilton Fish

Secretary of State

Washington.

Commercial

Commercial and other matter of interest within their Consular jurisdiction; and I am almost entirely dependent therefore upon foreign sources for intelligence relative to trade and current events at the outports; - so useful, if not indispensable, in my official intercourse with the Japanese Department for Foreign affairs.

The report now transmitted having been published by authority must be deemed to have been found correct by H. Bell's Ministry, to whom it is addressed. - - From the "General Remarks on Currency" I have occasion slightly to differ, but that matter having recently been under a preliminary discussion and investigation by the Foreign Representatives. I trust I shall

be

able to address You on the Subject at
an early day.

I have the honor to be. &c
Very Respectfully
Your most Obedient Servant
C E D Long
Chinese Resident.

British Consulate.

Kanagawa, 10th March, 1870.

Sir,—I have the honour to forward to you in duplicate the following tables, shewing the Trade and Shipping of the port of Kanagawa for the year, 1869:—

1st.—Return of the Import trade from England and other countries.

2nd.—Return of the Import trade from other ports in Japan.

3rd.—Return of the Export trade to England and other countries.

4th.—Return of the Export trade to open ports in Japan.

5th.—Return of duties collected during the year.

6th.—Four Returns of the Shipping. (Nos. 1-4)

7th.—Three forms shewing the British and Foreign Import and Export trade, Direct and Indirect, and the Shipping, distinguishing British from Foreign. The statistics of trade have been compiled from the Custom House books; and it is satisfactory to have to report that a marked improvement is observable in the mode of assessing and collecting duties; and that these Returns may therefore be looked upon as more correct than those which have hitherto been supplied to this Consulate, except in one or two instances to which I shall refer.

1869.		1868.	
Imports..	$12,617,174	Imports..	$12.397,149
Exports..	$ 9,083,302	Exports..	$17,698,606
Total....	$21,700,476	Total....	$30.095.755

Shews a falling off about Eight Millions Dollars, the decrease being in Exports alone; while the Imports represent a value of about a quarter of a Million Dollars more than those of 1868;—but though smaller, the trade of 1869 has on the whole been surer, as will be gathered from the following remarks:—

Imports.—Suffered severely in the earlier portion of the year from the introduction of paper money and from violent disturbances in the boo currency, and although the fluctuation has not been great, the prices obtained for Imports generally during the year 1869, can hardly be considered satisfactory, the quotations current during most of the period having left but small profits on home quotations at the best of times; while the loss on some few goods has been excessive.

The chief-staples, *Shirtings* and *Yarns*, could in the beginning of the year only be sold at 10 per cent to 15 per cent, less than the prices then ruling in Manchester. Many of these goods, however, having been shipped at a lower cost, the trade in them though unremunerative, was scarcely, in average, productive of loss. In September, an active demand enabled Importers to obtain an advance of 10 per cent to 15 per cent., and this is still pretty well sustained in *Shirtings*, though more pronounced in *Yarns*. This advance, however, makes only about the equivalent of the cost of later arrivals.

Upon a comparison of the years 1868 and 1869, a marked increase in the consumption of Yarn is noticeable:—

1868.....Piculs 36,000 (About)
1869..... ,, 51,000 ,,

Shewing an increase of 15,000 piculs; while in Shirtings we have 527,834 pieces imported in 1869 against 519,166 pieces in 1868 shewing an increase of 8,678 pieces.

The deliveries of both these staples for the year may therefore be looked upon as satisfactory.

Camlets.—Formerly a staple, appear to have gone entirely out of fashion, and the trade in them now is of a most trifling and unremunerative nature. Deliveries for 1869 have been only 1,000 pieces against 17,000 in 1868.

Blankets.—Which during 1868 were in active demand, at highly remunerative rates, have receded in average price from 90 to 30 cents per lb. This is accounted for by the cessation of hostilities, and largely increased shipments from home.

Arms and Munitions of War—Have also suffered a severe reaction. They have been but little wanted, supplies have been excessive, and very heavy stocks have accumulated. For example, short Enfields, which once sold at $20 to $24, are now with difficulty saleable at $6½ to $7.

All Fancy Goods have been much depressed, and although the accumulated stocks of former years have been cleared off, it has been at prices ruinous to importers.

Metals.—Business during the year has been mostly of an unsatisfactory nature. Nail Rod Iron of exactly suitable sizes has met with a ready sale; but the demand has been very limited; other sorts have been hardly sought for.

There has been small enquiry for Pig-lead as Tea-lead is imported ready made, and is not prepared in the country as in China.

Rice.—A marked feature in the Import trade of the past three months has been the demand and advancing price of such articles as Saigon Rice, China-Cotton, Oil, &c.

The business in Rice has been very large, owing to a failure in the native crops, and mostly of a profitable character, owing to the low rates of freight from Saigon. The fluctuations, however, have been rather extensive, and the trade in the grain has been rather of a speculative character. In January, Saigon Rice was quoted at $2.25 and gradually rose in price to $2,65 in May, when, owing to heavy arrivals, a decline set in till September, when it was quoted at $2.10. By that time, however the failure in the crops being evident, prices increased until at the end of October, $2.60 per picul was obtained, and from this to $2.75 were the closing rates at the end of the year.

Cotton.—Also remained very quiet, at the unremunerative rate of $23 to $24, August or September, when a demand sprung up, and $29½ per picul were realized. High prices, however, prevailed in China, and only first arrivals consequently left any profit, and that a very small one. Heavy supplies have depressed it to $27 to $28 which leaves little or no profit to the importer.

Sugar.—An increase of $200,000 is noticeable in the Import of Sugar and Sugar Candy for 1869 over that of 1868.

General Remarks on the Import Trade.—At the commencement of the year as usual on account of closing business for the old and making preparations for the new Japanese year, Imports were very dull; and it was not until March that the faintest improvement manifested itself, and even then the recovery was slight, transactions being much curtailed by the disturbed state of the currency, and the daily decline in the value of the native coin which I shall notice presently.

Towards the end of April, a better enquiry was noticeable; and a small advance in Yarn and Shirtings was established, holders being generally unwilling to sell at current rates; and from this cause and increased stocks, business continued exceedingly dull until nearly the end of August, when, owing to reports that the Cotton-crop was seriously damaged by the heavy rains experienced during the spring and summer months, there was more demand for imports.

At this time.

Shirtings were quoted at, 8/4 lb; $2.80 per piece,
Cotton Yarn, 16/24 ,, ,, 46 per picul,
,, ,, 28/32 ,, ,, 47 ,,
,, ,, 38/42 ,, ,, 50 ,,
Cotton at $24 per picul.

For another month a large business was transacted, and holders being extremely firm, owing to the news of high prices ruling at home preventing shipments to this port, a marked rise took place in plain staples; and in the beginning of October, Shirtings had risen to $3.10 per piece.

Yarn, 16/24 had risen to $52 per picul
,, 28/32 ,, ,, ,, 54 ,,
,, 38/42 ,, ,, ,, 60 ,,
And Cotton, ,, ,, ,, 29 ,,

From this time to the end of the year some little decline took place; but on the whole business has been fairly active, and stocks of all goods much diminished.

Taffachelass, an article manufactured chiefly in Switzerland in former years was always saleable; but during the last two, entirely out of favour. It has again come more into fashion, on account of large accumulation of stocks and consequent low prices.

Exports.

Silk, Silkworms-Eggs and Tea—Are the principle articles of Export from Japan, and a decline in the consumption of any one of these cannot fail to be marked in the total Exports of the year. A great falling off both in Silk and Tea as compared with the year 1860 is noticeable; but it is probable that if returns were compiled in June, at the end of which month the Tea and Silk seasons commence, the season of 1869-70 would compare not unfavourably with that of 1868-69.

Silk.—When the year opened the greater of the supply for the season had already been received, the small quantity of 3,000 bales (about 100 lbs. net Silk to a bale) only having been exported between the 1st January and 30th June.

The quality of the supply during these six months was as inferior as the quantity was scanty; in fact the supplies of good Silk in hank reel (which constitutes the bulk of that brought to this market) almost failed. On the other hand, the proportion of Silk from the Oshiu provinece was much larger than usual.

The range of prices at the beginning of the year was extremely high, superfine hanks being worth $1,000 to $1,070 per picul—equal to 39s/ to 41s/ per lb., in London; *Best*, were worth $900 to $950=35s/ to 37s/. Best and superfine Oshiu $850 to $950=33s/ to 37s/ and commoner sorts were quoted at proportionate prices.

Meanwhile, owing perhaps to the successful outturn of the large quantity of Japan-seed sent from here in the previous year, the home-markets had declined; so that purchasers at the above prices met with disastrous losses.

The dullness in business, produced some little decline; more particularly in hanks, Oshiu Silk being better maintained.

The new Silk began to arrive in small quantities at the end of June as usual, a second rate quality of hanks coming from the districts in the immediate vicinity of Yokohama. It obtained $700 to $750, which was $70 to $100 less than the new Silk of the previous year; and hanks have since maintained a much more moderate range than in 1868, $800 to $850 being the highest prices paid for the finest lots.

To the native this reduction has been fully compensated by the enhanced bu-value of his dollar.

Oshius have better maintained their values, and the best have been worth throughout the year $800 to $850; lower grades in full proportion.

At the close of the year the Silk-market was more or less stagnant; hank-silks having fallen into great disfavour at home, on account of the inferiority of the quality, and the irregularity of the reeling; so much so, that many of the early shipments of the season are selling at a loss of £20 per bale.

Oshius on the other hand are still esteemed. It may here be remarked that Japan Silk appears to be gradually deteriorating in quality: and though this is doubtless owing in a measure to hasty and bad reeling, it is to be feared that it is not wholly unattributable to the large Export of eggs.

The Export of Silk for the six momths of this season is little more than half that of the same period in 1868, and the total Export for 1869 is only about 9,000 piculs against some 15,000 in 1868.

Silkworms' Eggs.—Supplies reached the market much later than last year; and in total have been in round numbers only 1,400,000 cards against, in 1868, 2,100,000. The distribution of these was as follows:

	Cases	lbs.
By Peninsular & Oriental St'rs:	3,595	289,641
Messageries Imperiales: ...	2,683	126,966
Pacific Mail Company:	78	4,278
Cases,	6,356	320,835 lbs.

or at the average of 23 lbs. to the 100 cards, say cards, 1,395,100, though the Custom-House Returns show some 39,000 cards less.

The usual number of "Graineurs" from Europe arrived to purchase, but with very limited orders, and in view of the results of the previous year's shipments considerable caution was at first displayed by buyers, so that it was the end of August before the market was fairly opened. The firmness, however, of the native dealers triumphed; and the prices paid through the season have been fully up to those of last year; $3 to $3½ may be taken as a fair average of the cost of good annual green cards; down to $1.50 and $2 for common, and up to $5 and $5½ for fancy lots.

As before, cards from the Shinshiu and Oshiu provinces obtained the preference.

It had been generally supposed that the Export would barely have reached a million cards; toward the end of the season, however, the arrival of 600,000 to 700,000 Bivoltini swelled the Export as above.

It may be well to put on record the following memorandum of the number of cards supplied to the market by each province; which has been kindly furnished me by Signor Robecchi.

Bushiu	132,833
Yashiu	3,334
Gioshiu...	313,323
Jhoshiu	44,303
Soshiu...	36,0039
Oshiu	219,742
Shinshiu	613,652
Kadzusa	16
Goshiu	741
Noshiu	4,494
Etchiu	2,530
Echigo.	17,694
Miscellaneous	7,081
Total	1,395,788 Cards.

Brought into Yokohama during the year.

Waste Silk and pierced Cocoons have been purchased in about the same quantities as in 1868.

Tea.—This market exists now almost exclusively for American demand, though English merchants are large shippers, and British ships are largely employed in the trade. England, however, only takes a small quantity of common leaf at low rates. The seasons generally open early in June, and statements are taken for the season from 1st July to 30th June. Season 1868-69 opened in June, 1868, and proved to be a very large one, the largest since the opening of the port, exceeding 10½ million pounds, but the result was a very poor one for Exporters. There was nothing in the state of American markets to justify the payment of high prices here, and, at first, arrivals were very much mixed with old leaf, buyers held off for some time, only small purchases being made for San Francisco.

Without any encouragement, however, a very animated business was commenced early in August 1869, and continued until the end of the year, at prices much above home values, and with considerable shipments from Hiogo to this port, the Export on the 1st January 1869 stood at 6,717,443 lbs., (a quarter of a million for England included) and on 1st February, at 8¾ millions. With few exceptions these hurried shipments left heavy losses.

The Bulk of the business having thus been done in the early half of the season, the year 1869 commenced with small stocks, and although an active demand for America, at prices above the average of home quotations still existed, the Export from then till the end of June 1869, including 200,000 lbs. for England, amounted only to 3,956,996 lbs. The total Export from 1st July 1868 to 1st January 1869, amount to 6,717,443 lbs, against 5,600,000 during the same period of the previous season.

As most of the teas from the desirable districts of Uji, Yamato, Yamashiro, &c., were taken to the Hiogo market, the Yokohama merchants had not very good leaf to offer, and the quality throughout was below average seasons. In June 1869, the operations of the season terminated with an export of 10,674,439 lbs. of which 95 per cent was shipped to American ports, 5 per cent only going to Great Britain; of that to America, California took 1½ million pounds.

The season 1869-70 was then anxiously looked forward to. New teas commenced to arrive in June; but as dealers asked higher prices than before, while accounts from American markets were discouraging, little was done except for Californian trade until July

or August, when the native holders making concessions, buyers for New York were tempted to operate. Although prices were still excessive, the quality exceeded that of former seasons, and the new teas were much liked in New York;—thus early shipments promised very well, and have already partly realized good profits. Buyers continued to pay to the Japanese more than the equivalent of New York quotations, being induced thereto by reports of a considerable deficiency in the supply at the China Ports, of Oolongs; which teas resemble in character the uncoloured teas of Japan, and compete with them in the New York market.

In November these reports were confirmed, and advices arriving from America soon afterwards, of an increased consumption and better demand for Japan teas, the business of the season commenced in earnest and continued active until the close of the year, at which time prices were fully 10 per cent above those with which the market opened in July and August. Thus the Japanese have so far had to rejoice over a very prosperous season. The supply this season seems thus far equal to the average; both in quality and quantity, though there is a growing tendency of the dealers to mix all grades together, so that the strict classification of former years becomes difficult to observe.

The Export from 1st July 1869 to 31st December only came up to 4,644,303 lbs, against in 1868, 6,717,443 lbs. and the total

Export for 1869	.. ..	8,601,299 lbs.
Against 1868	.. ..	11,598,834 ,,

	1868.	1869.
January to July ..	4,881,291	3,956,936
July to December ..	6,717,443	4,644,303
	11,598,734	8,601,299

The Custom House returns give 40,973 piculs or 5,462,400 lbs. exported in 1869 against 88,532 piculs or 11,804,266 lbs. exported in 1868, but the figures which I have quoted, are, I think, more reliable. Notwithstanding this falling off, however, it is stated by those who are able to form a good opinion, that the season ending on the 30th June 1870 will probably shew as great an Export as that ending June 1868; though it is hardly probable that the later shipments will turn out as well as the earlier ones, but will most likely leave heavy losses again.

Generally speaking the season so far has been very satisfactory as to quality; indeed it has been the best since 1865-66, but prices have, especially during the latter months, ruled far too high, and the Japanese have received in native money (owing to the rise of the dollar) full 25 to 30 per cent over prices in 1868-69, which can only have the effect of making them more determined in holding out for high prices when the new crops come in.

There is little doubt that the production of teas for Export is steadily increasing in Japan; and it is probable that the Tea of this country, which is pure, delicate and wholesome, will maintain its hold upon the tastes of those who have learned to like it.

There are no other articles of Export to which it is necessary to allude particularly.

Shipping.—The Shipping Returns shew an immense increase in actual tonnage over those of 1868, as will be seen by a glance at the following comparative table:

Year	British.		American.		French.		Dutch.		North German		Russian.		Danish.		Hawaiian.		Austrian.		Swedish.		Portuguese.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
1868	189	82,112	114	171,938	26	19,140	13	5,234	44	17,884	5	2,512	3	1,050	—	—	—	—	—	—	—	—
1869	338	173,897	126	206,267	31	22,872	15	5,178	97	43,896	13	7,774	8	1,922	4	1,010	2	1,457	2	911	2	1,070

But, unfortunately, this fact cannot be taken as shewing a proportionate increase in the trade of the port, a large proportion of vessels having left in ballast. The increased number of arrivals with cargoes is principally owing to the failure in the rice-crops, which has necessitated the importation of that grain from Saigon and Hongkong.

The above table will shew that British shipping continues to exceed numerically that of all other nationalities combined. It is not so, however, as regards tonnage, which does not come up to the American tonnage, owing to the immense size of the Pacific Mail Steam-ship Company's Steamers, which alone represent 147,549 tons of arrivals. The tonnage of the English Mail Steamers is 21,200 tons

Public Works. Lights.—The Japanese government has established up to the present, four lights, namely:

On Rock Island—one temporary light; in Yokohama Bay—one floating; at Kanousaki—one fixed, 3rd order light; at Noshima—one fixed, first class light.

The two latter have been erected by the French Engineers at Yokosuka, and the management of them is in their hands. The light-houses at present in course of construction are six in number, viz.: for Sagami, Rock Island, Oshima, Shiwomisaki, Nagasaki and Satanomisaki, (Chichakoff.) Of this number those for Oshima, Shiwomisaki and Nagasaki, are on the point of completion, and the lights will be shewn from them in about two months.

A temporary light will be shown at Satanomisaki within a very short time, which will remain there until the establishment of the permanent light. The Government has also placed four buoys in dangerous localities, viz.: one at Yokohama anchorage, one on the Saratogo-Spit in the Bay of Yedo, and two in the Shimonoseki Strats, and it is in contemplation to place others to mark the approaches to Yedo.

The establishment of these lights is under the management of Mr. BRUNTON, whose services were procured by the Board of Trade, upon the application of the Japanese Government, through Her Majesty's Government in 1866, for the purpose of erecting the lighthouses and organizing the system.

The position and character of the lights for Yedo Bay were decided upon by a commission consisting of British, French and American Naval Officers, their recommendations being further considered by the naval authorities of the Board of Trade. and the necessary apparatus &c. was ordered in England.

Telegraph.—A single wire has just been stretched Yokohama to Yedo; the apparatus used being Brequet's dial instruments. The dial has a sufficient number of divisions on its face to contain both the English Alphabet and numbers, and the simplest form of Japanese Alphabet (Katakana). The instrument is manipulated with great expertness and ease by native learners, and no difficulty has as yet presented itself in the transmission of Japanese messages.

A system of drainage for the foreign settlement has recently been commenced by the Japanese Government, and is making satisfactory progress. The roads of the settlement are also being macadamized, and an iron bridge has been thrown across the river which is crossed on leaving the town of Yokohama for Yedo. All these works are under the superintendence of Mr. Brunton and his staff.

General Remarks on Currency.—This report would not be complete without notice of the Currency Question, which has occupied so much of the attention of the merchants of all nationalities throughout the year. The unsettled state of Japanese finance, and the ill-regulated efforts of the native Government to meet its difficulties, have had a very deleterious effect upon legitimate foreign trade; and the depression in Imports, which all have had to deplore during the year, must be attributed in a great measure to this cause.

For the full understanding of this important question it would be necessary to go back to the time of our first establishment here, and trace the successive demands which have been made by the Government, under the pressure of poverty, upon the pockets of the people. Ignorant of the system of taxation which has gradually grown to a science amongst ourselves, and unable to come into European money markets as borrowers, the rulers of Japan have met their troubles as they have arisen, in the simple but fatal way which more experienced Governments have long since abandoned as a remedy which brings on a worse disease than that it seems to cure:—by tampering with the representative of value, and thus shortly disturbing all values. Unable to pay their debts in the coin for which they were contracted, they have debased the coin and issued large quantities of tokens; and have attempted to repair their own mistake by making it lawful for all debtors of lesser degree to err in like manner, and thus spread over the whole country what may be called a forced loan, and so long perhaps as this process of indirect taxation affected only the people of Japan, it might have been borne without much difficulty; for among the masses of the commons the rude principles of barter still obtain; much labour is paid for in kind, a small amount of currency suffices for the national wants, and the Government is strong enought and has sufficient credit with its own people to induce them to accept as a representative of value pretty well what it chooses to give. But foreign trade cannot be carried on in this way; and foreign creditors were by no means to be put off by payment of the debts contracted by them in a coin which had, outside of Japan, only its bullion value.

I find the native coin quoted in January at 337 to 338 bus per $100 Mexican; which is about the price at which the old bus of the late Government (known in the bullion market as old Tokogawa bus) pay for Export to the China, Indian and American mints for conversion into bar-silver. In 1860 the Shôgun's Government had issued a debased bu, the new Takugawa bu—which, its quality being then unknown to the people, was taken by them without difficulty, an ignorance which was availed of by Exporters, who bought up all the old coin they could find at a slight premium.—The old bu of 1865-66 was 895 to 898 fine; the new may be taken at 885, though various assays show it to have been in some instances as low as 829.

When the present Government came into power, this drain of silver coin had been going on for some months, and being in even greater straits than its predecessor, it issued yet a worse coin, only 805 fine. —And it would appear that it had lost the services of the old workmen, and that those who supplied their places were less skilful, for whereas the Tokugawa coin had always been of a certain standard, whatever it was, the money issued from the Imperial mint varied considerably both in weight and fineness. Thus I am informed that four samples gave the following results on assay at the San Francisco mint:

	Weight.		*Fineness.*
1.....	131.58	Grains troy.....	793
2.....	134.08	,, ,, ...	797
3.....	131.68	,, ,, ...	797
4.....	131.48	,, ,, ...	811

This last coin is called by bullion speculators the "new-new bu," and it is almost the only coin now extant in the country; for it is unnecessary to say that Japan has been, during the past two years, completely drained of the "old" Tokugawa bu and nearly so of the "new" Tokugawa bu.

I find it stated in a Californian paper dated some two or three months ago, that a Japanese Nobleman, then on his way to Europe, was shown the process of running his country's coin into silver bars, the weight of the particular melting being *three tons*.

But even these rapid and excessive debasements of the bu had been insufficient to meet the pressing necessities of either the Shôgun or the Mikado, and a bolder and more violent assault had been made in succession by both Governments upon the currency of the country.

The *Rio* was, and in the monetary unit, its concrete form being the Kobang. The word *bu* signifies a fraction (in this case, the fraction is one fourth) and is not applicable solely to money. *Ichi bu* thus literally means, "one fraction," and the Japanese, when wishing specially to convey that they speak of the bu as a coin, add the word *gin* (silver). Thus they would say Ich-rio, ich-bu *gin* to signify 6 bus in acual coin. Again, there has long been current in Sapan a coin of convenience, the ni-bu of mixed silver and gold, of the nominal value of two bus; and thus "ni-bu," used as a figure of account, means "two fractions" (half a rio). When used to indicate the actual piece of money the word "Kin" (gold) is affixed:—ni-bu kin (two parts in gold). It is perhaps by the abuse of this token or domestic coin, the nibu, that the greatest harm has been done.

It was a coin of convenience, and it was easy to reduce in it the proportion of gold without discovery by the people of the country. The Government debased it largely, and issued it in enormous quantities. This first attention in 1867. The old nibu contained 3.102 of gold according to the San Francisco assay, and a hundred rios (of nibus) were worth in United States gold coin $148.67. The new nibu issued in 1867 contained 2.285 of gold and was worth but $109.54. I am unable to state what the Government's later nibus are worth, but during the last month of the year a quantity of nibus of a good class were exported; and under the influence of purchases for shipment they advanced from 450 to 420 per $100.

The silver mines of this Country had during the succession of civil disturbances, almost ceased to produce; at all events, they could by no means be made to produce sufficient silver to meet the sudden demand after the coup d'état of 1869; and in their dilemma, the new Government turned for help to foreign importers of bullion. The authorities of the mint department invited and contracted, to pay for large quantities of bar silver, not in Mexican dollars, but in bus, and sometimes even in nibus, and at rates which left to the seller a margin over even the rates of the day, rates which had already far passed the Treaty figure of 311 (or making an allowance for coinage 296) per $100. The amount of this import of bar-silver I

am unable to state, most of it having been taken direct to Osaka; but I can give the *price*. It is generally understood to have averaged $2,415 per picul at 335 bus per $100 Mexican, *i. e.*, 8,090.25 bus per picul. These figures have been publicly stated in che Chamber of Commerce, and although the presumption is, (especially as regards the rate of the bu-exchange) that they are a low average, they are generally accepted as sufficiently correct. Let me shew how they make against both Government and importers.

A picul of Silver contains 1,932.80 ounces Troy, of 480 grains, 997 fine,—that is to say 924,960.768 grains of pure silver. *

The bu of the Treaty should contain 134 grains of silver 898 fine, or 120.332 grains of pure silver. Therefore the picul would make 7.686.74 Standard bus. But the Importers received for it 8,090.25 bus. Therefore they sold the picul for 403.51 bus more than the picul could make of Standard bu, without counting the cost of coinage. And the Government could not have paid the Importers in bus of the Treaty Standard without incurring a loss of equal amount. Did the Importers really expect to reap such a peculiar and exceptional advantage, or did they consent to take payment in the inferior coin which the Government is accused of having made with this bullion?

Now the bu should be	
Grains Troy	134
of Fineness...	.898
And therefore should contain Grains pure Silver...	120.332

Dividing this picul by 120,332 bus gives a dividend of 7686.74 standard bus to the picul, nearly.

Picul sold for bus	8,090.25
„ makes standard bus	7,686.75

Shewing 403.50 loss to the Government, if it paid standard bus for its picul of silver.

It remains for me to describe the paper-currency of the Government which thongh first put in circulation in June 1868, did not become prominent subject of discussion in Yokohama until the spring of 1869.

It is believed that the scheme for the issue of the paper now current under the name of Kinsats was an invention purely native. The issue was of small card notes, bearing value from one bu to one hundred riôs.

The announcement of its appearance was made in the Kioto Gazette of the 19th September 1868, and, to popularize it, the country was notified that the whole issue (then stated at 30 millions) would be *lent* to all who were in needand deserving of help. To Daimios, towns, merchants and farmers it was offered on easy conditions. These were that the borrower should be of a certain moderate standard of wealth and respectability; and that he should repay the loan in instalments of ten per cent in ten years, in the paper itself, adding thereafter, as interest, three more instalments in the eleventh, twelfth and thirteenth years in coin.

The interest, 30 per cent for a ten years' loan, was low, but the Government secured to itself an additional advantage by refusing to take back notes, or allow such to circulate as became at all defaced.

This of course checked the circulation.

The second grave fault made by the Government was in issuing at the same time an additional amount on its own account, as pay to its troops and servants, without proper explanation.

Had its issue been confined to the loan, had the Government waited to see how this was received, and then publicly stated the exact amount lent, it might perhaps then have successfully used a certain amount more. But it seems that it only succeeded in obtaining borrowers to the extent of some thirteen millions, instead of thirty, and that it issued fourteen millions on its own account. This latter resort had an evil effect upon the scheme, and rendered impossible the legitimate floating of the paper. The Government then had recourse to force. The paper compulsorily taken by the Government's creditors had at once dropped to 50 per cent. discount; and as foreigners would have nothing to do with it, continued to fall in a most discouraging manner. Then was evidenced remarkably the power of the rulers of this country over its people, so long accustomed to obedience to authority. Proclamation was made forbidding speculation in the paper-money, and enjoining all to take it for commodities at the value named upon it, under pain of severe penalties. The effect of this Edict was soon seen in a comparative steadiness, at about 400 to 420, a slight premium over the nibu currency; at this rate it has stood for months; and business at Osaka and Hiogo is freely done with this paper as a medium of exchange in default of silver. Here foreigners still refrain from touching it, except in small sums for household purposes. This beneficial result was probably assisted by a promise made by the Government in July last, that it would sometime during the next three years, convert its own issue of fourteen millions (since said to be increased to nineteen) into Exchequer Bonds bearing interest at 6 per cent per annum. But it will be time to treat of this conversion when it shall have commenced. There are also other details of the subject into which I consider it needless to enter at present.

I have attempted to give the broad outlines of the Government scheme, and, as not only this, but also the position of the bu and nibu will be seriously affected by the issue of the new dollar now imminent, it seems to me best to defer further examination of this highly important question till the close of the year 1870, speculation of the future being out of place in a Report of this nature.

In *Exchange*, fluctuations have not been as great as usual, and the rate has chiefly ranged between 4s. 6d. and 4s. 7d for six months merchants' paper on London; though for a short time it was as low as 4s. 4⅜d. and again as high as 4s. 8d.

Freights have, throughout the year, been dull for sailing ships.

I have the honour to be,
Sir,
Your most Obedient
Humble Servant,
(Signed) FRED. LOWDER.

To Sir Harry S. Parkes, K.C.B.,
H. B. M.'s Envoy Extraordinary, Minister Plenipotentiary, &c., &c., &c., in Japan.

* The figures are as follows:

A picul—Ouncos Troy.....1,932.80
or multiplied by..... 480

—Grains Troy.....927,744,030—997 fine.

Grains pure Silver { 2,783.282
..... 924,960,768 pure silver in a picul

The fineness is .997 :—Subtract. .003 thus

927,744,000
3

2,783,232

Enclosure No 1
with despatch No 42
dated Yokohama April 5th 1870

Recd 21. May. W. Pratt,

No 43

The contents of this despatch have been communicated to Mr Peirce U. S. Min.r at Honolulu

M. DeLong to Department of State

Yokohama Japan. April 16. 1870.

3 Enclosures.

Japanese subjects as coolies in the Sandwich Islands.-

The Japanese mission to Hawaii returned; one hundred and five Japanese remaining in bondage. Bitter feeling in certain official quarters at the result. Recommends that a friendly pressure may be brought to bear upon the Sandwich Island Government to release the Japanese subjects and return them to their homes. Hawaii looked upon by Japanese as an American colony.

No. 43.

Legation of the United States in Japan

Yokohama April 16. 1870

Sir,

The Japanese Commissioners, who in October last proceeded to the Sandwich Islands, for the purpose of enquiring into all that might relate to Some Japanese subjects, who during the Spring of 1868 had been shipped as coolies to those Islands, arrived at this port via San Francisco on the 26th Ultimo.

I transmit herewith Enclosure No. 1, copy of a letter addressed to me by Mr Deiroi, one Minister

(Print)

The Honorable Hamilton Fish

Secretary of State

Washington.

&c.

at Honolulu on the subject of this
mission and the result arrived at.

The Japanese Minister and Vice
Minister for Foreign Affairs both
assured me, that they were quite
satisfied with this result;- and I
was not a little surprised therefore,
when a document under the signature
of a known official appeared in the
public print at this port, expressing
an opinion entirely at variance with
the official assurances made to me.

This document, a copy of which
is herewith transmitted, Enclosure No 2,
was received at the Government office
and its publication has been authorized.

Extraordinary as it is in
many respects, and chiefly remarkable
for great bitterness of feeling, it
dictated.

elicited a reply from Mr Van Reed.
the American citizen, who in the
business of this coolie shipment claims
to have acted as the agent and
on behalf of the Hawaiian Government.
I transmit Enclosure № 3 Copy of
that reply.

The result of this Japanese
Mission to the Hawaiian Islands
would have been much more
satisfactory, if the one hundred and five
Japanese, still remaining on those
Islands, had been made free
laborers by the cancelling of their
Contracts, according to which they
are still required to labor at a
fixed place, - at a fixed rate of
wages, and for a fixed period
of seventeen months from January

Last

last inclusive.

The impression exists in the Japanese mind, that the Sandwich Islands are in fact an American Colony; and I now beg respectfully to submit, that if the Hawaiian Government could be induced to free those laborers, and send them back to their homes, while it would avert any difficulty, that may grow out of the bitter feeling above referred to, which unquestionably exists, - such action would be simply just, consistent with our abhorrence of bondage, even in a mild form - and of undoubted benefit to our relations with this Country.

I have the honor to be Sir

Very Respectfully

Your most Obedient Servant

C. Ed. De Long

Minister Resident.

Legation of the United States of America
Honolulu January 28. 1870.

To the Minister Resident of the
United States of America. Yedo
or Yokohama. Japan.

Sir.

Their Excellencies Wooyeno
Kantoku no Kami and Mizuh
Sukeyeji Ambassadors (so styled
in their Commission) from the
Government of Japan to that of
the Hawaiian Kingdom arrived
here via San Francisco on the 27th
Ultimo. and Sailed on their
return to same on the 20th instant
having satisfactorily accomplished
the business of their Mission as

heretofore

hereinafter briefly stated.

Your predecessor Mr Van Valkenburgh addressed to me an unofficial letter dated Yokohama October 20. 1869 introducing the said Ambassadors and requesting in behalf of the Japan Government my friendly assistance in their efforts to obtain success in the objects of the Embassy.

To that request was verbally repeated to me by the Ambassadors, and the Hawaiian Ministers having also expressed a desire that I should take part as Mediator in discussions and settlement of questions at issue between the negociating parties I consented to act under both invitations.

Mr Wodehouse Her Britannic Majesty's Commissioner and Consul General at Honolulu rendered service in like manner conjointly with me.

I have now the pleasure to inform You that the negociations alluded to have been conducted to an amicable conclusion.

Of the one hundred and fifty (150) Japanese subjects a coolie unlawfully departed from Yokohama by the Van Reed and brought to this Country in the British bark "Scioto" in the Summer of 1868. forty (40) of them consisting of mechanics unused and unwilling to perform farm labor & with all the sick

diseased and disabled men have been cheerfully surrendered & restored by the Hawaiian Government to the charge of the Japanese Ambassadors & be returned to Yokohama at the expense of the latter, who have chartered the Hawaiian bark "R. W. Wood" expressly for the purpose at the cost of Two thousand dollars.

Five other Japanese have deceased; and one hundred and five (105) the remainder, it is agreed shall continue to work on plantations here till the expiration of their present contracts for labor, having about seventeen months yet to complete.

At that period all

of

of said Japanese. then living and consenting. are to be conveyed hence to Yokohama at the entire expense of the Hawaiian Government.

In case the latter is prevented from returning the whole number named as promised. good and sufficient reasons therefore are to be given to the Japan Government.

The Ambassadors accompanied by two of the Hawaiian Ministry the French Consul and myself. recently made a tour round this Island (Oahu) and visited those plantations where the Japanese laborers are employed.

We found the treatment generally very good -and the men a majority contented and happy.

Wo[illegible]

Morgens expressed to me satisfaction at the result of his investigations and examinations of the plantation life and experience of his Countrymen at these Islands. In that favorable opinion all of our party agreed.

A Treaty of friendship and Commerce between Japan and Hawaiian Kingdom has been drafted and agreed to here by the official representatives of those Nations. - The protocol is to be submitted to the Government of Japan for approval and ratification

I have a copy of said Treaty which will be forwarded to the Secretary of State of the U.S. by mail of the 8th February to San Francisco

Translation.

Worgens and the Hawaiian Ministr for foreign affairs have tendered to me their verbal thanks for the friendly aid and advice given by me to each party.

I am Sir.

With great respect.

Your Obedient Servant.

Signed/ Henry A. Peirce

Ministr Resident of the United States.

Enclosure No 1.

with despatch No 43:

dated Yokohama 16 April 1870

To the Editor of the *Japan Gazette*.

Kanagawa, Kencho, April 4th, 1870.

DEAR SIR,

Gentlemen, I beg to send you for the information of your respective readers the enclosed letter or report sent to the Saibansho here by 39 Japanese who have recently been brought back from Hawaii by His Imperial Majesty's Ambassadors.

I have the honour to remain, gentlemen,

Yours respectfully,

D. SHIBATA.

We, the undersigned, have the honour to state that in the 4th month of the 1st year of Meiji we entered into a contract to work at the Hawaiian Islands for the term of three complete years, for $4 per month per head wages, the contractor promising to advance to each of us the sum of $10 previous to our departure from Japan. The contractor, however, did not pay us the promised advance. On the 2nd day of the 5th month we reached Honolulu, but on our arrival we were each of us separately employed by different foreigners, who also reduced our wages to $3 per month, thereby causing us the greatest distress. Our respective employers treated us miserably and supplied hardly any accommodation for us, whereupon we complained to them; but instead of obtaining any redress, we were imprisoned. There were none of us who were not imprisoned twice or thrice, and each time we were released we were mulcted in the sum of 8 or 10 dollars. which seemed as if we were charged according to the number of days we were in prison. At last we had almost determined to die, when we received certain information of the arrival of the Imperial Ambassadors, and our fellow countrymen applied to them to take us back with them to Japan. On the 28th of the 12th month last year, we embarked, and arrived here on the 6th day of the 2nd month of the present year. We are now greatly rejoiced that we are released from imprisonment, and that all the hardships which we have been suffering have passed away like a dream. How thankful we ought to be to our merciful Government. Should there be any balance of wages due to us by the contractor, we wish to offer the same to the Government in token of our gratitude. In conclusion, in order still further to testify our gratitude for our rescue from such a miserable position, we respectfully beg that, should any service be required by the Government, we will take the greatest pleasure in doing it with all our might, and without any wages at all.

For the above purpose we have made the following conditions and sealed them with our blood.

I.—We will obey all orders issued by the Daijokwan.

II.—We will hereafter do whatever unpleasant service may be ordered by the government.

III.—We will not complain even if we have not eaten for five or six days.

V.—We will take neither good food nor saki.

VI.—We will not make any quarrel.

In witness whereof, we have hereunto set our blood seals the 13th day of the 2nd month of the 3rd year Meiji.

RIOSUKE

and 38 other Japanese.

To the Saibansho, Kanagawa.

Enclosure No. 2
to Despatch No 43.
dated Yokohama Japan Nov. 1870.

To the Editor of the *Japan Gazette*.

KANAGAWA, April 6th, 187[illegible]

SIR.—I have read the remarks published by [illegible] Government officer, wherein ill-treatment by [illegible] resident foreigners living in the Hawaiian Isla[illegible] complained of by the returned Japanese, [illegible] will briefly state:

That my arrangements, as [illegible] Hawaii with the late Government, [illegible] sion for Japanese to leave [illegible]

That the Japanese contractor [illegible] his servants and evidence [illegible] during the [illegible]

That [illegible] were delivered by [illegible] the Japanese for their friends as the Government, such were immediately delivered.

That the California papers asserting the Japanese in Hawaii were committing suicide by hanging, or were being starved to death by their employers, I used my utmost for better than a year to persuade the Japanese Government to either send a Consul, or despatch the gunboat "Fujiyama," to judge for themselves of the accusations made; to which the only answer has been "that the Government was too poor to undertake the expense."

Finding persistent calumny in regard to the Japanese immigrants, I despatched, at my own expense, in October, 1868, an officer of the Prince of Oowajima, the then Minister for Foreign Affairs, named Kiyama Seichi, for Hawaii, to examine and make his report of what he might discover, should the Government disbelieve my assertions that the Japanese were being well taken care of; but on reaching San Francisco, he immediately returned to Yedo, without going further—confirming all the worst rumours.

The Embassy of the Mikado to Hawaii was received by the King and his officials with that courtesy and hospitality so proverbial of the Hawaiians. Every possible facility was given to fathom alleged abuses and ill-treatment; the Minister for Foreign Affairs accompanied the Embassy on their tour around the Sugar and Rice Plantations, and in order that a fair understanding should be arrived at, the American, English, and French Ministers also formed the party. The Embassy consulted with the Japanese in their own tongue, using such language or intimidations as they deemed proper, and after a review of all, *thirty-nine*, out of one hundred and fifty, desired to return to Japan and their families, the remainder being content and happy in receiving but three dollars per month wages—if the story of the returned is to be credited.

Those who have returned, have some knowledge of the English and Hawaiian languages; are all dressed in foreign style, and take strongly to foreign manners; therefore it is hardly likely they will "shtaniro," as they were accustomed to before they went abroad. Nearly all have brought a parcel containing foreign clothing for future use; some with sugar and some with rice; and all, with the exception of six, brought back money with them.

The worthless and dissatisfied having now been heard from, probably the language used by the members of the Embassy to the King, and the written declaration to the Minister for Foreign Affairs, wherein they assert, "We have everywhere found our countrymen well cared for and kindly treated by their employers," may have weight in proving to you that the Japanese were humanely treated.

My efforts to procure free emigration either to America or Hawaii, have been opposed by others than the Japanese Government; and if on political grounds it should be found necessary for me to be sacrificed, let it be so; but let not my motives be impugned, as I have labored with but one view while residing in this country—that Japanese and Foreigners be friends, and the Government sign the Treaty with Hawaii, as agreed upon in 1867.

I am, your obedient servant,

E. M. VAN REED.

Enclosure No 3.
with despatch No 43
Dated Yokohama April 16 1870.

Rec'd 21. May

Acknowledged
Dr. Chilton

No. 44.

Mr Delong to Department of State
Yokohama. Japan. April 18. 1870.

Sudden appearance of a British flying Squadron of six Steamers at Yokohama: The strong impression on the popular mind created.

The English Admiral and Staff were presented to the Mikado.

No 44. Legation of the United States in Japan

Yokohama. April 18. 1870.

Sir,

I have the honor to inform You, that a British flying Squadron, consisting of six steamvessels, under command of a Rear Admiral, arrived here on the 8th instant from Australia and China. On the 14th, the Squadron proceeded to Yedo anchorage; the Admiral and officers landed, and were presented to the Mikado in the Castle.

The sudden appearance of

The Honorable Hamilton Fish
Secretary of State
Washington.

this

this Squadron created some commotion among the people; the effect of which even now has not entirely subsided.

I have the honor to be, Sir
Very Respectfully
Your most Obedient Servant.
E. E. De Long
Minister Resident.

Rec 21. May

acknowledged

Mr Chilton

No. 45.

Mr DeLong to Department of State

Yokohama Japan April 19 1870.

Attempt to rob or murder the

Consul Shepard in his bedroom at Yedo.

by a Japanese.. Escape of the Japanese.

Failure to discover him thus far.. No

measures adopted yet by the Japanese

Authorities to prevent similar occurrences.

No. 45.

Legation of the United States in Japan

Yokohama April 19. 1870.

Sir,

Late in the afternoon of the 30th Ultimo, I received a telegram from Yedo, which had been sent, during the forenoon, informing me, that on the previous night an attempt had been made to assassinate Mr Shepard, our Consul in that City, but that he had sustained no injury.

My presence not being immediately required, I proceeded early on the next morning to

The Honorable Hamilton Fish
Secretary of State
Washington.

Yedo

Yedo.

In a large hotel, adjoining the foreign concession, Mr Shepard occupies two apartments on the second story; one front room used as a parlor and office and one bedroom en suite. Mr Shepard stated, that he had retired, locking as usual the door of the front room, and withdrawing the key, in order to enable his servant, who was provided with a duplicate key, to enter it early in the morning.

"By means of a false or skeleton key, the door must have been opened; while he was asleep. Passing through the front room, in which there was a light half turned down, a Japanese entered the bedroom, and within nine feet ~~from~~ of the bed,

Mr

his stumbling over some apparel woke Mr Shepard. The man hastily retreated - and Mr Shepard now thoroughly awake, grasped his revolver and started in pursuit through a large hall, and down the mainstaircase, firing as he ran four shots, none of which took effect.

As it was quite dark, the man could not be seen, but Mr Shepard states, that he distinctly heard his running over some large cobblestones, loosely placed, in imitation of a stream of water in the garden fronting the hotel;- And as soon as daylight appeared, search was made, when a short Sword was found

on

on the Staircase, and the Scabbard
near the flagstaff, which is erected
within the Hotel enclosure. From
a deep indentation on the Scabbard,
which fitted the Sword, it was evident,
that the man must have been
running with great force against
one of the iron posts of the flagstaff;
and this supposition was corroborated
by an examination of that post, the
white paint on which at a height
corresponding with a man's waist
bore unmistakable evidence of a
recent collision. A Man's Shoe or
Sandal was also found, thus leaving
no room for doubt, that the man
was a Japanese.

No Suspicion whatever attached
to Mr Shepard's Servant, for immediately
after

after the affair he was called upon to produce his duplicate key, which he did, then proving that the man had provided himself with the means of entering the room. It seems to be quite clear, that he was well acquainted with the premises; and as he must have passed several other rooms before he came to Mr Shepard's, a strong suspicion is conveyed, that he had a fixed and deliberate purpose, either of murder or robbery or both.

Robbery may be inferred to have not been the incentive, as the man, after entering the front room could have helped himself, without much risk of detection, to many articles lying on the table, such as

a.

a gold watch, some little jewelry &c. -
and this belief is again strengthened
by a various circumstances, which
happened about two weeks previous, but
to which little attention had been
paid at the time. - On the door knob
of Mr Shepard's room had been found twisted
a paper, on which was written in the
"lowest Japanese - English" "foreigner clear
"out, clear out." -

Mr Shepard further stated, that
during the morning after the intrusion
an official on behalf of the Tycoon
had called on him to enquire into
the matter, - and to procure the
sword and scabbard found, by the aid
of which they hoped to trace the man.

The Ministers and Vice Ministers
for Foreign affairs, upon whom I
immediately

immediately called, assured me, that
every possible effort would be made
to discover the man and elicit the
motive of his action ;- ; and though
I have not yet heard from those
functionaries, I am still inclined
to think, that they will do all in
their power to arrest him, because,
whether he came for murder or robbery,
he has failed in his design. I
further do not hesitate to submit it
as my opinion, based on experience
of the past, that if on the other
hand the man had been successful
in accomplishing his design, he not
only would not be found, but that
no effort to discover him would be
made ;- as in such a case, he
would not lack friends to shield

and

and protect him, in order to share his plunder or his glory - for such the killing of a foreigner would undoubtedly be esteemed by many people in the country, in whom the effects of early education have not yet been softened or toned down by time and experience.

On careful inquiry I am led to believe, that Mr Shepard had given no offence to any one, and that he had succeeded in cultivating pleasant relations with the officials stationed in the foreign concessions.

I hope I may be able soon to inform You, that the Japanese Authorities have succeeded in tracing and discovering the motive of the affrent attempt upon Mr Shepard's

life

life or property, and that they have adopted suitable measures to prevent similar occurrences in future.

I have the honor to be, Sir,

Very Respectfully

Your most Obedient Servant:

C C De Long

Minister Resident.

Recd 21. May

No 46.

Refer to Mr Geo Seward
for verbal report
Mr Platt.

Mr Swan
to counts on
which along
Regulations
and 2 letters
dated 10th June

From Mr Long to Department of State

Yokohama Japan April 20. 1870

Judicial.

No Consular Regulations yet for Japan. How far
China been observed Latterly in Japan. Consular Court
Regulations for China unconstitutional. - Opinion
Attorney General Cushing Oct 1855. - & &
Unconstitutionality of Statute conferring
Judicial power &c under extraterritoriality clause of
Treaties. - Criminal jurisdiction. Citizens
of U States how has been tried for capital offences
without presentment & indictment and without
trial by jury - See Art 5 of U first ten Amendments
to Constitution Also 3rd Subdivision Sec 2 Art 3.
What is the legal Status of U S Courts in Japan? &
Apply for instructions. -

No 46.

Legation of the United States in Japan

Yokohama April 20. 1870.

Sir.

On my arrival here I found that no regulations governing the Ministerial and Consular Courts in the Empire had ever been framed; but that the regulations in force in China had generally been observed and followed, without any formal adoption of the same, except such as arose from universal practice under them. Being very much engaged at first and not having

The Honorable Hamilton Fish

Secretary of State

Washington.

&c.

the books I needed. I deferred drafting a Code of Regulations until the arrival of the last Steamer, when receiving the books I desired, I set about doing so, but on the threshhold of the discharge of these duties, doubts of a grave nature arose in my mind as to the Constitutionality of the Regulations adopted and in force in China - and to the possibility, without further Legislation or at least without advice of my ability to draft a Code of procedure for this jurisdiction, which should properly define the jurisdiction of these several Courts and the practice to govern them.

Many of these doubts were suggested to my mind by the perusal of the Opinion of the

Attorney.

Attorney General concerning the judicial powers of the Commissioner a Minister and of the Courts of the United States in China and Turkey & dated October 8. 1855. -

It is true that this opinion was delivered long prior to the Statute Approved June 22. 1860 but it is equally true that the passage of that Act still leaves unsettled very many of the doubts the distinguished Author of that opinion pointed out.

In instance Sec: 3: of the Act of 1860 reiterates the language of Sec. 3 of the Act of 1848. - with regard to the jurisdiction of Courts - And again Section 11. of the new and old act are exactly alike in the use of the following language - "That the Courts aforesaid

and.

" and each of them at the port
" for which he is appointed shall
" have jurisdiction as is herein
" provided in all Civil Cases arising
" under Such Treaties respectively where in
" the damage demanded does not
" exceed the Sum of five hundred dollars &

This leaves the Same doubts existing, as those which troubled the learned Author of that Opinion: which he expressed when he used the following language:-

" Now there are processes
" which do not involve any question
" of damages whatever, but which are
" nevertheless of primary importance and
" utility - Such as the Writ of Habeas
" Corpus &c. and then he further cites
" Chancery Cases " many Suits in Com

and

"and many other de[illegible] in which no
"question of more damage is involved
"also applications for writs of mandamus
"supersedeas and prohibition" and concludes
by using this language". Finally
"there is a vast body of justiciable
"rights to which the phrase of "damages
demanded" can by no possibility apply.
being questions of personal right of
"the domestic relations, of inheritance
"or of testamentary disposition. Nor
"include Cases of Copartnership or other
"joint interest in real or personal
estate - of insolvency, of divorce, of
alimony, of wills, and of intestate
successions".

Upon these matters I am
equally perplexed and seek advice in
regard to my duty in the premises.

But

But of still graver concern
and still more perplexing to me are
the following considerations, to wit:

Article 5. of the first ten
Amendments made to the Constitution
of the United States provides that "No
"person shall be held to answer
"for a Capital or otherwise infamous
"crime unless on a presentment or
"indictment of a grand Jury &c"
- and also the 3d Subdivision of
"Section 2" Article 3rd of the Constitution
provides "that the trial of all crimes,
"except in cases of impeachment shall
"be by Jury" &c

Yet nowhere in either of
these Acts of 1848 or of 1860 is any
provision made for a trial by jury,
even in Capital cases; but on the

Contrary

Contrary the Ministers and Courts in Japan and in China are in express terms authorized and directed by those Acts to proceed and try without indictement and without jury Citizens of the Unitedstates charged before them with the Commission of crimes, whether felonies or misdemeanors. And in pursuance of those Statutes, - and as I conceive, wholly without rightful Authority, the Courts of the Unitedstates in China and Japan have been proceeding and have tried Citizens for even Capital offences without presentment a indictment and without jury; - and in at least one Case within my knowledge the death Sentence of a Consular Court has been approved and carried into effect.

The same is true of Civil cases at Common law. So far as the Statutes are concerned. they failing to enjoin a trial by jury, no matter what amount is involved; but on the Contrary they provide. that if the Amount claimed does not exceed the Sum of five hundred Dollars. the judgment of the Court trying the Case alone shall be final. but in Cases exceeding that Sum. he shall be assisted by assessors. whose concurrence with himself is requisite in order to render the judgment final. - All the way through the right of trial by jury is practically denied by being in fact disallowed - Yet Article 7. of the first ten Amendments to the Constitution provides as follows. "In

Suits

"In suits at common law where
"the value in controversy shall exceed
"twenty Dollars, the right of trial by
"Jury shall be preserved". &

Now the questions that
address themselves to my judgment
and conscience, are these:

How can these Statutes be
Constitutional if these Courts are Courts
of the United States? Certainly
all of us officers here are officers
of the United States Government. - All
power we have - and all we are
Authorized to exercise is derived from
the Government. How then can we
come into power by its laws and
sit above its Constitution? In
other words - has a United States Court
in Japan any more power a right

Summarily

summarily to try and adjudge a citizen of the United States in Japan -- Have the Federal Courts here within the limits of the United States themselves? -- It seems to me clearly not. -- In my judgment the doctrine of extraterritoriality of which each citizen can claim the benefit in the Empire -- gives him all, if it gives him any of the Constitutional rights of the Citizen.

Entertaining such convictions as these I could not, unless instructed otherwise, conscientiously affirm any judgment that might come before me for review, when the right of the defendant in the action to a jury trial had not been accorded to him; in all criminal cases and in all Civil cases when the amount demanded

executed.

exceeded twenty Dollars. - Neither am
I willing to undertake to frame
regulations for this Jurisdiction - until
then doubts in my mind are Solved
by Your advice or directions.

As it is quite necessary
that Some code of procedure Should
be adopted for the United States Courts in
Japan - and as at any day I am
liable to have cases civil and criminal
appealed to me. it is highly important
that I should at as early date as
possible have my mind Set at rest
on these Subjects.

I therefore respectfully Solicit
Speedy consideration of this despatch
and full instructions upon the
questions herein raised.-

I have the honor to be Sir

Your

Very Respectfully.

Your most Obedient Servant.

A. E. de Long

Minister Resident.

Rec'd 21. May

No. 47.

acknowledge
Dr. Chilton

Mr Delong to Department of State

Yokohama Japan. April 21. 1870.

Political monthly Summary.

Movements of troops; - Satsuma checked in Mito. Continued importation of rice. Financial embarrassments. Attempt at repudiation at Hiogo. General difficulties of the Situation. Though imminent are placed in background. Fears entertained that the Mikado will have no issue. A remedy suggested. Divorce and marriage of another consort. Prince Kiyo's revolt not fully suppressed. Prince Hizen's man of war arrived at Nagasaki.

No 47

Legation of the United States in Japan

Yokohama April 21. 1870

Sir,

The insurrection in the province of Choshu, which at one time threatened to become quite formidable, has been suppressed after several engagements severely contested. - It was all but successful, when the timely arrival of about eighteen hundred Choshu men, hastily withdrawn from Yedo, and sent to the scene of conflict, turned it in favor

The Honorable Hamilton Fish
Secretary of State
Washington.

of

of the Prince and his adherents.

In my despatch № 31. of the 22nd Ultimo I informed You, that the troops of five Daimios had proceeded by land and water to the Province of Mito on a military excursion. It appears that concerted action under one Commander in Chief was found impossible, owing to existing jealousies among the various bodies, which therefore acted under whatever instructions they may have received in entire independence from each other. On the third day out (the 10th Ultimo) from Yedo, the Satsuma troops, consisting of about Sixteenhundred infantry met with a check by

finding

finding themselves in an untenable position in the presence of a force, which was deemed to be quite large - and the exact composition of which was unknown.

The Satsuma troops, suspecting treachery then retreated in good order and returned to Yedo, where they were soon joined by the forces of the other Daimios.

The greatest portion of the Tosa troops, among whom there was but little discipline had to be withdrawn and sent back to their Province. - Many Satsuma Soldiers were also sent to their homes, where their services appear to have been required for the better maintenance of tranquillity.

The

the Chokai force was decreased. for
the reason abovementioned and the
result of these arrangements was
that the troops of Hizen, who besides
have recently been reinforced are
now in the greatest number in the
Capital, as compared with those of
other Daimios. The Prince of Hizen,
who resides in Yedo has in consequence
found his influence much increased
for the present.

Until lately the ironclad
Stonewall" was in charge of her
officers, but the insurrection in
Chosiu was of such magnitude that
he had been prevailed upon to
transfer her to Chosiu officers for
the purpose of restoring order in
that Province. - A retransfer was

Contemplated

contemplated now that her services
are not immediately required.
but up to this date she has
remained under command of
Chosiu officers

Not a day has passed during
this month without large arrivals
of rice from China and Saigon;
and yet the price of that article
has not receded. There is no
Amongst the Japanese
symptom of trade, in Yedo. not even a symptom
of revival of business of any kind.

In former despatches the
Department was informed of the
large issue and compulsory
circulation of paper money by the
Mikado's Government ever since
its establishment in Yedo. When
the circulation became more general
and

and less objected to. It was by many hailed as evidence that the Mikado's Government was gaining strength.

There is however every reason to suspect that in this respect the Shadow has been and still continues to be mistaken for the Substance. -

At the outset paper money was declined in the Eastern part of Japan. The Tokugawa or Tycoon's provinces, where from time immemorial metallic Currency had exclusively been used. On its first appearance the Wholesale merchants closed their doors and declined to trade; and those of more limited means and number of Shopkeepers would have followed their example, but for a decree of the Mikado's Government

Compelling

Compelling all to keep their places of
business open and trade as formerly.
To decline taking paper money
became a criminal offence and
was promptly followed by summary
punishment. Paper money was
then extensively used as a means
of extracting gold and Silver coins
from the pockets of the people and
numerous Agents were employed
for that especial purpose on behalf
of the Mikado's Government, whose
expenditure was steadily in excess
of the receipts. all these nefarious
practices only affording temporary
relief.

The Compulsory circulation
of paper money has however been
preceded by that of thoroughly debased

Gold

gold and Silver Coin principally at the hands of the Soldiery of the Southern Daimios in whose province and under whose authority they almost wathless coins had been manufactured.

The Yedo merchants, who could be compelled to keep their places of business open, but who could not be compelled to buy and sell them met the Mikado's Government more than half way by freely taking the paper money in preference to Coins of most uncertain value, and with their aid the issue was floated and the popular prejudiced overcome.

The result of this movement was to drive more rapidly all good gold and Silver Coins that remained

in

remained in private hands out of
circulation and into hoarding places
and the Mikado's Government, who
do not appear to have foreseen this
consequence, are now apparently
beginning to reap the fruit of
their financial policy. The
Treasury accounts remain in
the same hopeless confusion as last
reported and the extent of the
several issues and over issues is
not known. - Nearly the whole
amount of the duty on foreign
Customs is received in depreciated
ribbon stamped under the agreement
made with the Foreign Representatives
on the 26th August last - and
such ribbon cannot be passed
again as paper now forms the sole

currency

Currency. A considerable amount of dollars continues to be received in payment for tea and Silk, - but the large importation of rice is at present such, that the balance of trade is against the Japanese and not only is no surplus of cash at present available for Government purposes but it appears that a constantly increasing deficit is to be met with means that appear to be on constantly decreasing.

The local Authorities at Hiogo have already announced their intention to repudiate the agreement of the 26th August last - and to take no more Stamped ribbons in payment of duties - in other words admitting that they are worthless and throwing them on such on the hands of the

Govt.

foreign holders.

The expenditure of the Mikado's Government might be retrenched by the discharge of numbers of officials, but such a step would be undesirable, as these men who all belong to the two Swonded class would in such a case be thrown upon their own resources, - and necessitate the employment of a large number of policemen both for City and Country service. - Acting upon the principle of peace at any price the Mikado's Government have now actually a larger number of officials in their pay than the former Tycoon's Government ever had at any time - and no service to assign to these people in that

any

they can be trusted.

The political prisoners with the exception of seven only are said to have been released and some economy was effected by this measure. There are various projects under consideration by the members of the Government. Chief among which is one for a Parliament to consist of retired Daimios only and no longer of retainers of Daimios, who for the purpose of supporting the Government had been found as useless as their Masters.

Such as if the cares of Government without Army, Navy and Treasury and turbulent upper and destitute lower classes to deal with were not sufficiently embarrassing.

a question of more importance than the many perplexities involved in a condition fraught with such pressing difficulty. is more and more engrossing the attention of the Members of the Mikado's Court and Government.

It is now five months ago that the Mikado's Consort joined His Majesty in Jedo.- and fears an beginning to be entertained that there will be no issue from that marriage.. If there is no heir to the throne. the Mikado would have to adopt one -. and if His Majesty should happen to die without issue. his legitimate successor would be the Prince. a Younger brother of his father. who in 1868 was obliged

to act as the Mikado of the North;-
and whose views are well known to
be diametrically opposed to the
Court party now in Authority in
Yedo. And even if the Mikado should
assume the responsibility of deviating
from ancient Customs and designate
arbitrarily an heir to the throne from
the Sun Seiwo a Junior branch of
his dynasty; the Prince his Uncle.
could not fail be passed by. and an
attempt to do so might lead to Serious
trouble.

Although the Emperor of Japan
is not in an enviable position
the Succession would still be the object
of ambition and of endless intrigue, all
of which it is most desirable to prevent
And now the question appears to have

arisen

arisen, as the ancient Custom requiring the Mikado to have twelve Concubines remains in abeyance, whether such a step as a divorce from his Consort; and the marriage of another, would not be a suitable remedy. It also appears to have been mooted, that on such an occasion it would be in the interest of the Mikado to ally himself with the Daimio class; - and it is now whispered, that the Lady to be selected is a daughter of the former Prince of Mito, - sister of the present Daimio, and also of the late Tycoon. -

How is probably not much reliance to be placed on these popular reports but enough is known to show

Etc.

that Court and Dynasty questions
of the most delicate and embarrassing
Description are now almost to the
exclusion of other public business
the Subject of anxious consideration
in high Official quarters.

According to the latest reports
from Nagasaki the ironclad of
the Prince of Higo had not yet
been delivered; and the Ship of
war, built in Holland for the Prince
of Hizen, had arrived at that port.

I have the honor to be Sir.

Very Respectfully

Your most Obedient Servant

O C Le Gendre

Minister Resident.